

**FAIRFAX CIRCUIT COURT
NOTICE OF SCHEDULING CONFERENCE
LAW TRACK**

IN RE: HAROLD A OCONNELL

Case No. CL-2012-0013064

What is the issue in reference to Harold A. O'Connell?

To: ANTHONY MINER OCONNELL DEFENDANT Individual
439 S VISTA DEL RIO
GREEN VALLEY AR 85614

In an effort to resolve your case quickly and fairly, the court has placed a Scheduling Conference for this case on the docket. At the conference, we will establish a trial date and discovery schedule, and deal with other pre-trial matters. We will also discuss whether a settlement conference is appropriate. *DO NOT SET THIS CASE FOR TERM DAY.*

You are to appear for the Scheduling Conference at **08:30 AM on Tuesday, December 04, 2012**, at the Judicial Center, 4110 Chain Bridge Road in Fairfax. The docket with courtroom assignments will be posted electronically on the monitors located on the 4th and 5th floor of the Judicial Center the morning of the scheduling conference.

Please make **SURE** that all of the following things have been taken care of **BEFORE** the Scheduling Conference:

1. Resolve all demurrers, pleas in bars, motions to quash process and other special pleas. Set them down for argument on a Friday Motions Day.
2. Check service of process on each defendant. If a defendant has not been served, either obtain service or be prepared to explain why service has not been effected.
3. If any defendant is in default, obtain a default judgment against him, if possible, or at least a judicial declaration that he/she is in default.
4. Corporations must be represented by counsel.

If there is a problem with the assigned date, please contact the Case Management staff at (703) 246-2880, AT LEAST TEN DAYS before the scheduled conference.

The Judges of the Fairfax Circuit Court

10/22/2012

**FAIRFAX CIRCUIT COURT
CASE MANAGEMENT INSTRUCTIONS**

I. THE SCHEDULING CONFERENCE

1. Scheduling Conferences will be scheduled on Tuesday or Thursday at 8:30 a.m. in one of three courtrooms on the fourth or fifth floor of the Fairfax County Courthouse. Courtroom assignments will be posted on the bulletin board on the fourth and fifth floors. Counsel and all unrepresented parties are to appear **promptly** at 8:30 or the conference may occur in their absence. **Attorneys who reside more than 50 miles from the Fairfax County Courthouse may call the case management staff at (703) 246-2880 at least 5 days prior to the Scheduling Conference to see if their in person appearance can be excused.**
2. Motions for default judgment, demurrer, pleas in bar and other outstanding dispositive motions should be resolved prior to the Scheduling Conference. If they have not been, a hearing date for them will be set at the scheduling conference.
3. A Judge of the Court will have reviewed each of the files in advance of the Scheduling Conference and will have noted (a) any failures to effect service on all defendants; (b) whether any defendant is in default; and (c) whether any dispositive motions are pending. If service is not complete, the Scheduling Conference will be conducted by a judge in one of the jury rooms.
4. Almost all Scheduling Conferences will commence in one of three designated courtrooms and will be conducted by a law clerk or other Circuit Court staff member.
5. A trial date will be set and a Scheduling Order entered at the Scheduling Conference, unless all defendants have not been served or are in default. The Court will enter the Uniform Scheduling Order pursuant to Rule 1:18 unless the parties present an agreed Scheduling Order,
6. All law clerks and other Circuit Court personnel conducting the Scheduling Conference will set trial dates within twelve months of the initial filing of the Complaint, unless the pre-screening judge has waived this requirement.
7. If an attorney or any party disagrees with any determination made by the pre-screening judge; or if any party asserts that the trial will take four or more days; or is such an unusually complex case that the Court should designate one judge to hear all the matters in the case; or parties seek a continuance of the Scheduling Conference, the matter may be referred to a Judge.
8. The morning of the Scheduling Conference available trial dates will be posted on the two counsel tables. Counsel for the parties in each case should review the available trial dates and should attempt to agree on a trial date within twelve months of the initial filing date.

II PROVISIONS OF THE SCHEDULING CONFERENCE ORDER

1. If requested in discovery, (a) Plaintiff and Counter Plaintiff must designate all expert witnesses to be called by that party no later than 90 days before the trial date established in the Scheduling Conference Order; (b) Defendant and Counter Defendant must cross-designate experts within 60 days of the trial date and (c) rebuttal experts or opinions must be designated no later than 45 days before trial. The designation must include all opinions and the bases therefore which are discoverable pursuant to Rule 4:1(b)(4)(A)(i) of the Supreme Court of Virginia. Pursuant to Supreme Court Rule 1:18, failure to so designate the party's expert witnesses ordinarily will be a bar to the party attempting to elicit any such non-disclosed opinions from the expert at trial. Any objections to the timing or content of an Expert Designation shall be promptly filed with the Clerk of the Court and served on all other parties, or the objections may be deemed waived. The objections should specifically set out all alleged deficiencies in the designation.
2. The requirements of the Scheduling Conference Order are in addition to and not in lieu of the provisions of the Rules of the Supreme Court of Virginia. All parties must timely respond to appropriate discovery requests notwithstanding the fact that the deadline dates set out in the Scheduling Conference Order have not been reached.
3. Counsel must deliver to opposing counsel or any unrepresented party, copies of all exhibits pre-marked (unless previously supplied in discovery) and a list of anticipated trial witnesses at least 15 days before the trial date. Counsel should also then file with the Clerk of this Court a list of the exhibits identified by exhibit number (but not the exhibits) and a list of the witnesses. In so designating an exhibit or witness, counsel is representing that he/she in good faith believes that the exhibit/witness is intended to be offered at trial. Designations not made in good faith are subject to appropriate sanctions. Original exhibits should be tendered to the courtroom clerk at the commencement of trial for final marking for identification consistent with the numbers set out on the exhibit list. No exhibit shall be deemed admitted in evidence unless a party moves for its admission at trial. Specific legal objections to any such exhibits, other than on grounds of relevancy, must be served on all opposing counsel of record and filed with the Clerk of the Court at least 5 days before trial, or they will be deemed waived, absent leave of court for good cause shown.
4. Counsel must exchange proposed jury instruction at least 2 business days in advance of the trial date. At the commencement of trial, counsel shall present to the Court the originals of all agreed upon jury instructions and copies with citations of those instructions to which a party objects.
5. If the time estimate or jury status of a case changes or if a case settles, counsel and unrepresented parties should immediately advise the Civil Docket Clerk in Chambers at (703) 246-4941

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