

COURT REPORTER

VERY IMPORTANT: There is not a regularly assigned court reporter available to generate a record in matters heard by the Associate Judges. Any party requesting a record should arrange for an independent court reporter to be present at the hearing at a cost to that requesting party.

In addition to the hearings for the Motion Docket referred to Judge Merritt, she routinely hears matters requesting Temporary Restraining Orders (TRO) and Temporary Injunctions (TI). In order to accommodate the judges and attorneys, Judge Merritt hears matters every day, morning and evenings, as necessary.

Please advise the clerk of this arrangement as well. Where possible, please do not schedule a prove-up hearing that requires live testimony, except on Friday afternoon.

DISCOVERY MOTIONS

Judge Merritt expects the parties to make **good-faith** and **diligent** efforts to resolve the bulk of the discovery disputes before appearing at hearings. Her goal is not to micromanage your cases! Going through each objection, asking the court for a ruling is not a good use of the attorney's time, let alone, the courts. Unfortunately, there is never enough time allocated for these types of hearings, which will either result in a recess, to later reconvene, or requesting that the matter to be presented on submission. As a result, every effort should be made by the parties to minimize the need for the court's intervention in these types of disputes.

PLEADINGS & MOTIONS

Although Judge Merritt has no formal "hard and fast" ground rules regarding the filings of pleadings, the Judge wants to have an opportunity to read and review any Responses prior to the time of the hearing. It is requested that the responding party file their responses at least a day before the hearing. Even so, it is understandable that some responses may be filed and presented to the court during the hearing. This is expected, but these should be the **exceptions**. When possible, all Responses to Pleadings should be filed no later than by 4:30 pm on the day BEFORE the hearing is scheduled.

Briefs should be organized as follows:

- Brief background narrative of the case
- Bases for the Motion
- Arguments and Authorities
- All pertinent documents should be attached as "labeled" exhibits
- Applicable case law should not be filed with the clerk, but should be presented to the court and opposing counsel with the pertinent law **highlighted** for easy review

If a Motion to Compel Discovery is filed, the Judge requests that the text of the interrogatory or request for production, along with the objections be included in the body of the brief. If the

interrogatories or requests for production are too voluminous, attach a copy and clearly tab as an exhibit.

When case law is cited, the Judge would prefer that the cite be in the body of the brief rather than in a footnote and that a parenthetical description of the holding be included after each cite.

PRE-TRIAL HEARING/MOTION DOCKET

The types of hearings referred to an Associate Judge varies from one sitting Judge to another. Upon request, the court clerk will schedule the hearings and the corresponding court coordinator, at the direction of the sitting Judge, will then forward the matter to the Associate Judge for hearing. These hearings will be heard in accordance with the Regular Schedule Motion/Hearing docket indicated above.

TRIALS

Judge Merritt is authorized to preside over a trial, whether it be a bench or jury trial, if the sitting Judge assigns it to her and none of the party's object. If the parties in a case would like for Judge Merritt to conduct the trial of their matter, they should contact the court coordinator and make a request of the sitting Judge.

ADDITIONAL COMMENTS

Judge Merritt expects all attorneys and other visitors to the Court to be respectful of the Court, and each other, including witness and other parties to the lawsuit. During the hearing, all comments are to be directed to the Court and not to the other parties unless a response is requested at the direction of the Judge. The parties should refrain from talking at the same time or trying to talk over one another and **never talk over the Judge!** Everyone in the Courtroom should take maximum effort to eliminate any emotional outbursts and maintain a professional decorum. Violators, after warning, will be asked to leave the courtroom.

It is expected that the parties will be timely and present in the courtroom at the time the hearing is scheduled to begin.