

IN THE COURT OF COMMON PLEAS  
OF LUZERNE COUNTY

Plaintiff  
vs.

Defendant

CIVIL ACTION – LAW

NO. of

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\* EACH CASE WILL HAVE ITS OWN UNIQUE TRIAL MANAGEMENT ORDER. SUCH ORDERS WILL TYPICALLY BE IN THIS FORM.

**TRIAL MANAGEMENT ORDER (JURY TRIAL)**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the undersigned having been assigned to preside over the above-captioned proceeding, it is hereby ORDERED AND DECREED as follows:

**1. TRIAL DATE:**

Jury Selection in this matter shall commence on \_\_\_\_\_, at \_\_\_\_\_:\_\_\_\_\_.m. on the **Third Floor of the Luzerne County Courthouse**, 200 North River Street, WilkesBarre, PA 18711. All counsel of record are hereby **ATTACHED** and shall be **personally present for Trial at 9:00 a.m. on that date.** If this case is amicably resolved prior to the Trial Date, Counsel for the Plaintiff shall immediately notify the Court and provide the Chambers of the Undersigned with a date-stamped copy of the Discontinuance.

**2. SETTLEMENT CONFERENCE:**

A Settlement Conference will be conducted by the Court if requested by counsel in a timely fashion at a time set by the Court.

**3. MOTIONS IN LIMINE AND OTHER PRE-TRIAL MOTIONS:**

All Motions in Limine and other Pre-Trial Motions, together with supporting briefs, shall be served on all other Counsel of Record and delivered to Chambers no later than 14 days before trial. Late filed motions may be denied as untimely, or other sanctioning may be imposed.

Responses to any such Motions in Limine and other Pre-Trial Motions shall (if opposed) be served on all other Counsel of Record and delivered to Chambers within 7 days thereafter.

All Motions in Limine must be submitted with a Certificate of concurrence or nonconcurrence.

**4. DOCUMENTS TO BE PROVIDED TO COURT AND ALL COUNSEL OF RECORD NO LESS THAN TEN (10) DAYS PRIOR TO TRIAL DATE:**

Counsel for all parties shall deliver to the Court and provide to all other Counsel of record the following not less than ten (10) days prior to commencement of trial:

**A. Trial Brief:**

A comprehensive Trial Brief setting forth all legal, factual and procedural issues that will or may reasonably be foreseen to arise throughout the conduct of Trial. The Brief shall include a comprehensive legal analysis of the substantive and procedural law forming the basis of all issues to be presented at trial.

**B. Witness List:**

A list of all persons whose testimony will be offered in the Party's case in chief, either in person or by Deposition, designating:

- (1) Name and address of witness;
- (2) Whether the witness is an expert or non-expert, and if the witness is an expert, the witness' field of expertise;
- (3) The nature of the witness' testimony;

(4) If a lay witness, whether the witness will be called upon to give a lay witness opinion and the nature and legal support for that opinion;

(5) Whether the witness' testimony will be presented in person, by videotaped deposition or by deposition. (In fairness to the Parties and except for good cause shown, the parties shall be precluded from offering substantive evidence through any person not so listed). The listing of a witness does not commit the listing party to have such person available at trial or to offer the testimony of such person. However, when Counsel for a Party decides or becomes aware that a person listed as a witness will not be called to testify, Counsel shall notify all other Counsel and the Court to accommodate efficient scheduling.

**C. Exhibit List:**

A list identifying all writings, documents, charts, reports, records, photographs and other exhibits (collectively "Exhibits"), which counsel or an unrepresented party expects to offer at trial and/or to use as demonstrative exhibits or to be used or referred to by any of their witnesses, including expert witnesses. The list shall describe each exhibit and assign it an identification number (i.e. – P-1, D-1, etc.). At the time of serving the list, each party shall furnish copies of all exhibits to all other parties (BUT NOT TO THE COURT), or in the case of large charts or models or the like items, make them available for inspection (except for good cause shown). The parties shall be precluded from offering in evidence, using as demonstrative evidence or examining any of their witnesses concerning, any exhibit not so identified, except solely for impeachment purposes. The listing of an exhibit does not commit the party to use it.

**D. Expert Reports:**

Copies of the Reports of all Experts listed on the Witness List.

**E. Proposed Voir Dire Questions:**

Counsel shall confer with one another and attempt to resolve any objections at the Final Pre-Trial Conference of Counsel. The parties may obtain a ruling on any remaining objections at the Preliminary Conference before the Court.

**F. Points for Charge and Jury Verdict Interrogatories:**

Proposed Points for Charge and Jury Verdict Interrogatory Forms. Such Points for Charge and Jury Verdict Interrogatories Forms shall be submitted to the Court no less than ten (10) days prior to the commencement of Jury Selection. Counsel shall review with one another their proposed Points prior to submission to the Court. Following such review, counsel shall make their submissions to the Court setting forth both standard and non-standard proposed Points on which they agree as well as any disputed Points, citing legal authority in each instance. It will suffice to identify proposed standard Points by reference to number and heading only. The Court will schedule a Charging Conference prior to closing arguments in order to resolve disputed Points and to consider proposed Supplemental Points.

**5. VIDEO DEPOSITIONS OR DEPOSITIONS TO BE READ INTO THE**

**RECORD:**

A. Counsel should meet prior to trial to go over objections and resolve those that can be resolved and provide the Court prior to trial or as soon as practical a marked up transcript indicating what objections are resolved and in a separate letter advise which objections are still outstanding and each party's position concerning unresolved objections. The burden of doing this is on the party using the Deposition but both parties should cooperate or appropriate sanctions will be imposed.

B. Portions of depositions, pleadings, requests for admissions, will not be permitted to be read to the jury unless they are shown to opposing counsel at or before the daily conference preceding the reading to the jury unless for impeachment or rebuttal.

C. Videotape depositions, along with any deletions, shall be ready for exhibition, without delay, when scheduled and a copy of any edited deposition transcript shall be provided to the Court.

**6. PREMARKING OF EXHIBITS:**

Prior to commencement of trial, all counsel are required to meet and agree upon one set of exhibits which shall be marked and/or bate-stamped in advance of trial with one (1) set of numbers for submission to the Court (a copy of same shall be provided to the Judge). That set of exhibits shall not include any exhibits to be used for cross examination, impeachment or rebuttal, any of which shall be listed separately and provided to the Court but not to opposing counsel.

**7. FINAL PRE-TRIAL CONFERENCE OF COUNSEL:**

All trial Counsel must confer with each other prior to trial and make a good faith effort: (i) to resolve or minimize objections to depositions; (ii) to agree upon stipulations to uncontested facts; (iii) to minimize the number of required witnesses; and (iv) to enter into such other reasonable agreements as will expedite the trial.

**8. PRE-TRIAL PROCEDURES AND JURY TRIAL PROCEDURES:**

Civil Case Pre-Trial Procedures and Jury Trial Procedures, respectively, are accessible at the Luzerne County Court website [www.luzernecounty.org](http://www.luzernecounty.org), and shall be complied with. A hard copy of same may be requested from the Judge's Chambers.

**9. SANCTIONS:**

Upon Motion of Counsel or Sua Sponte, the Court may consider the imposition of appropriate and proportional Sanctions for violations of this Order which, inter alia, cause prejudice to any other party or disrupt or delay the trial proceedings.

**10. DISTRIBUTION:**

A copy of ALL pleadings and filings must be furnished to the Judge's Chambers.

The Luzerne County Office of Judicial Services and Records (Prothonotary) is directed to serve notice of the entry of this Order pursuant to Pa.R.C.P. 236.

BY THE COURT:

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Copies: