

IN THE 21ST JUDICIAL CIRCUIT, COUNTY OF ST. LOUIS
FAMILY COURT
STATE OF MISSOURI

ANGELA FREINER,

Petitioner,

v.

JAMES JUDY,

Respondent.

Cause No. 14SL-DR02617-02
21SL-PN00664
Division 42

FILED

AUG 16 2021

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

TRIAL ORDER

Now on this 13th day of August, 2021, the Court being fully advised enters the following Trial Order:

1. The above cause is set for hearing on Motion to Modify, Motion for Injunction, Child Order of Protection with any counter petitions and attorney fees issues on November 5, 2021 at 9:30 a.m.
 - a. This trial is expected to four-five hours.
2. Parties agree to submit the evidence/exhibits to the Court by
 - a. Email in PDF form to the following email:
Robert.Heggie@courts.mo.gov on or before November 5, 2021:
 - b. Email to the Court at the time the exhibit is being offered.
 - c. Motion(s) regarding discovery disputes shall be filed with the Court on or before October 15, 2021. Parties to contact the Court a date for the motion to be heard.

The Court must approve any deviation from this Order related to a filing deadline. Prior to a party seeking modification of this Order, counsel shall meet and confer about the modification and indicate to the Court in the written request for modification whether all parties consent to the requested modification.

Trial Settings

Prior to the entry of this Order, the case was set for trial during a conference wherein the parties and the Court conferred about the scheduling and, specifically, the time needed to complete the trial. The length of the time the parties reported to the Court that they needed to fully try the case resulted in the trial setting and, unless there is good cause to extend the trial beyond that time, the case shall be fully tried within the existing trial setting.

All cases set for trial must be ready for trial on the date and time set, regardless of the setting number. Cases will not be continued on the day of trial except in the most extraordinary of circumstances.

Trials shall begin at or as close as possible to the scheduled time, depending upon the completion of other conferences and motions before the Court. If the parties wish to engage in settlement discussions on the day of trial, they should plan to arrive at the Courthouse before the time scheduled for trial. A day of trial typically concludes at or near 5:00 p.m.

Updated Forms

Pursuant to Local Rule 68.7, at least seven (7) days prior to the pretrial conference, counsel for the parties or the parties, if they are unrepresented, shall exchange updated income and expense and property statements plus any amendments to their proposed parenting plan and Form 14 child support worksheets. Per this Order, the parties shall also e-file all updated documents.

If any information in these forms changes between the pretrial conference exchange and the trial date or the parties intend to submit different forms at trial, at least ten (10) days prior to the trial date, the parties shall e-file any such revised forms.

Close of Discovery

Discovery shall close at least ten (10) days prior to the trial date. Therefore, for example, written discovery must be served so as to allow the responding party the full amount of time under the Rules to answer prior to the close of discovery.

All expert discovery shall timely commence so as to be completed at least ten (10) days prior to the trial date. In no event should an expert be disclosed (and an expert report, if any, be produced) later than thirty (30) days prior to trial in order to allow sufficient time for the deposition of the expert prior to the close of discovery.

Exhibits for Trial

When marking trial exhibits, Petitioners shall use numbers and Respondents shall use letters. GALs and third parties shall use a prefix and numbers (e.g., "GAL 1"). If an exhibit contains more than five (5) pages, each page must be clearly numbered by the party who proposes the introduction of that exhibit.

At least ten (10) days before the trial date, the parties shall exchange exhibits that they propose to offer at trial and e-file a proposed exhibit list. Except for good cause shown, no exhibit shall be admitted at trial unless it is included on one of the party's proposed exhibit list. Exhibits not included on either party's proposed exhibit list may be used only for impeachment purposes.

Prior to trial, counsel for Petitioner shall review Respondent's proposed exhibit list and create a list of overlapping exhibits. This list of unopposed exhibits shall be filed with the Court prior to the start of the trial.

Except for good cause shown or by agreement of the parties, all exhibits delivered to opposing counsel no later than ten (10) days prior to the start of trial shall be admitted into evidence without foundation, identification or authentication unless written objections (on one of those grounds) are filed no later than five (5) days prior to the start of trial. However, any exhibit shall still be subject to any other proper objection.

Summary exhibits are allowed and encouraged provided that any summary exhibit and all supporting information are delivered to opposing counsel within ten (10) days prior to the start of trial. If no objection to the summary exhibit is filed at least five (5) days prior to the trial date, the summary exhibit may be admitted as a summary exhibit at trial. If a good faith objection to any summary exhibit is filed within five (5) days prior to the start of trial, the summary exhibit shall not be admitted at trial unless by specific order of the Court.

FOR THE JUDGE'S USE ONLY, for complex cases all exhibits must be scanned as .pdfs and submitted to the Court on a flash drive (or disk) in .pdf format on the morning of trial. The flash drive or disk must be marked with the case number and the submitting party's name. If exhibits are submitted in one cumulative .pdf document, each page must be numbered and a list of exhibits with page references provided to the Court.

Hard copies of all exhibits should be used with witnesses during trial (unless the Court has approved the use of monitors to display exhibits).

Use of Information Technology Equipment/Remote Participation in Trial

All parties must comply with Local Rule 29 if they wish to use private and/or Court provided audio-visual equipment, computer equipment, or equipment based on other technologies in Court during trial. A request to use such equipment and/or technology must be submitted to the Court not less than fourteen (14) days prior to the trial date and shall include a detailed description of the equipment and/or technology proposed to be used.

The technology request must disclose whether any party intends to attend trial remotely and/or if any witness will testify remotely and the reason for remote attendance/testimony. If the technology request includes a request for a witness and/or party to testify remotely, the request must state the specific technology to be used and must address how exhibits are to be handled with the remote witness(es).

Any objections to the use of any equipment and/or technology and/or remote attendance/testimony must be made in writing within five (5) days of the filing of any such request.

Penalties & Modification

Failure to comply with this Order may result in the imposition of sanctions by the Court, including but not limited to, dismissal of the action, entry of a default judgement or restrictions on the admission of evidence. These sanctions may be imposed upon the motion of either party or upon the Court's own motion.

SO ORDERED:

R M Heggie

JUDGE Robert M. Heggie

Division 42

August 13, 2021