FILED
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JOAN M. GILMER
CIRCUIT CLERK
ST. LOUIS COUNTY, MO

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

In re:	
MICHELLE KENDALL,	
Petitioner,	Case No.: 14SL-DR05815-01
and	
	Division 32
JAMES WILLIAM MILLA,	
Respondent.	

TRIAL SCHEDULING ORDER

This trial scheduling order is intended to ensure that trial time is used most efficiently.

Trial Settings:

All cases set for trial must be ready for trial on the date and time set. Cases will not be continued on the day of trial except in the most extraordinary of circumstances. Cases set for trial on a back-up setting (for example, a #2 setting) must also be ready for trial on the date and time set.

Trials shall begin at or as close to the scheduled time as possible, depending upon the completion of other conferences and motions before the court. If the parties wish to engage in settlement discussions the day of trial, they must come to the courts building before the scheduled time for trial for such discussions. A day of trial typically begins at 10:00am and concludes at or near 5:00pm.

All parties shall comply with Local Rule 68 and in particular the requirements of Rule 68.5 and the requirement to update documents prior to contested hearings as provided in Rule 68.11.

Proposed Division of Property and Debts (Dissolutions Only)

Because it is necessary for the court to determine the identity, existence, nature, and value of the marital and non-marital property and marital debts of the parties in any judgment entered, **in dissolution cases only,** the parties are required to do the following:

Petitioner shall prepare a complete listing of all property and debt either (1) on a form entitled “Property and Debt Worksheet” or (2) on an Excel spreadsheet. All marital property and non-marital property AND marital debt must be included. The completed form is to be forwarded to Respondent so that Respondent will receive the “Property and Debt Worksheet” or Excel spreadsheet completed by Petitioner at least fifteen (15) days prior to trial. A copy of the "Property

and Debt Worksheet" or Excel spreadsheet completed by Petitioner shall also be filed with the court.

Respondent shall respond to Petitioner's "Property and Debt Worksheet" or Excel spreadsheet by adding information directly to the "Property and Debt Worksheet" or Excel spreadsheet sent to Respondent by Petitioner. If Respondent believes there is additional property or debt, these items of property or debt must be added to Petitioner's worksheet/spreadsheet, using additional pages if necessary. After Respondent has added his or her information to the "Property and Debt Worksheet" or Excel spreadsheet, a copy shall be forwarded to Petitioner so the Petitioner will receive Respondent's "Property and Debt Worksheet" or Excel spreadsheet at least seven (7) days prior to trial. A copy of the "Property and Debt Worksheet" or Excel spreadsheet completed by both parties shall also be filed with the Court. A party may not be allowed to present any evidence of any other or additional marital or non-marital property or marital debt at trial if it is not disclosed on the "Property and Debt Worksheet."

Updated Financial Forms (Local Rule 68.11):

At least seven (7) days prior to the trial, the parties shall exchange updated income and expense and statement of property forms and file these with the court. Litigants represented by legal aid or other nonprofit organization shall file an updated financial certification of financial condition for purposes of an award of GAL fees 10 days prior to trial

If the case involves issues of child custody and support, at least seven (7) days prior to the trial date, the parties shall exchange proposed parenting plans and Form 14s and file these with the court.

Exhibits for Trial:

The court encourages the parties to stipulate to exhibits before trial.

HARD COPIES OF ALL EXHIBITS SHALL BE PROVIDED FOR THE JUDGE AND WITNESSES ON THE DAY OF TRIAL. Petitioners shall use numbers and respondents shall use letters. GALs and third parties shall use a prefix and numbers (for example, "GAL 1").

If an exhibit contains more than 5 pages, each page must be clearly numbered by the party who will propose the introduction of that exhibit.

At least seven (7) days before the trial date, the parties shall exchange a list of exhibits that they propose to offer at trial and e-file a copy of their exhibit list. Except for good cause shown, no exhibit shall be admitted at trial unless it is included on this list of exhibits. Prior to trial, the attorneys must review the proposed lists and create a list of overlapping exhibits that will be filed with the court prior to the start of the trial. Additional exhibits not included on the original exhibit list may be used for impeachment purposes only but will not be admitted as evidence absent a showing of good cause.

At least seven (7) days before trial, except for good cause shown or by agreement of the parties in writing and filed with the court, a **HARD COPY OF ALL EXHIBITS TO BE USED AT TRIAL SHALL BE DELIVERED TO OPPOSING COUNSEL.**

Summary exhibits are allowed and encouraged if the exhibit and all supporting information that the exhibit summarizes is delivered to opposing counsel seven (7) days prior to the 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.

Motions in limine shall be filed no later than seven (7) days prior to trial.

Deposition Testimony

As a general rule, the court does not allow the submission of deposition testimony in lieu of testimony of the witness in court during trial, even if all parties agree to such submission. If such a submission is requested, the request must be made in writing and e-filed with the court at least twenty-one (21) days prior to the trial date.

Children as Witnesses:

If any party plans to call a minor child as a witness at trial, such party shall notify the judge by motion and other parties at least twenty-one (21) days before trial. The court, in its discretion, may require the parties to submit written questions to be asked of the child in advance.

Use of Information Technology Equipment

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 twenty-one (21) days prior to the trial date and shall include a detailed description of the equipment and/or technology to be used. Any objections to the use of any equipment and/or technology must be made in writing within five (5) days of the filing of a request.

Testimony via Webex

As a general rule, the court does not allow testimony via Webex for any witness, even if all parties agree. Any request for a witness to testify at trial via Webex must be made in writing and e-filed with the court at least twenty-one (21) days prior to the trial date.

Expert Witnesses

Within 30 days of the date of this order, all parties must disclose to opposing counsel(s) any expert witness(es) they will call at trial. The time for disclosing experts may be changed by agreement of the parties and that agreement shall be in writing and filed with the court.

Sanctions & 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.

The parties may mutually agree to change the timing deadlines above in writing and shall file a memorandum of understanding with the court evidencing same, with the exception of the deadline required to disclose the intention to call a minor child as a witness. All exhibit books shall be retrieved from the court within 30 days of entry of the Judgment unless timely post-trial motions are filed or they shall be destroyed.

As to the computation of time as prescribed in this order, the parties are directed to follow Missouri Supreme Court Rule 44.01(a). Submissions to the opposing party or court shall be completed by 5:00pm on the date due.

SO ORDERED:

Judge Div. 32

August 22, 2023

Not an Official Court Document