

# **RULES FOR MOTIONS, PRETRIAL AND TRIAL SETTINGS AND MEDIATION REFERRALS IN CIVIL CASES - Judge Kidd**

## **SETTING HEARINGS**

1. Judge Kidd has designated the 2nd and 4th Mondays of each month to hear motions. Please contact the Court Administrator to obtain available motion dates. As to motions for summary judgment and motions to dismiss, hearings are not automatically granted. The Court may decide issues based on the submitted pleadings and briefs. The parties may obtain available hearing dates by accessing the court's website or contacting the Court Administrator. Please note that you must contact the Court Administrator prior to noticing your motion for hearing. However, if the parties desire a hearing on a motion for summary judgment or motion to dismiss, the Court Administrator should be contacted for available dates.
2. Motions will not be placed on the court's docket until it has been filed, and the court has received a copy of said motion and notice of hearing.
3. Please take note that the court reviews all motions and supporting documents prior to the hearing. Therefore the court will not entertain lengthy arguments.
4. Expedited Hearings Any requests for an expedited hearing must be made in writing to Judge Kidd. Once the request for an expedited hearing has been granted, a requesting party must give notice to all parties of the date and time of the hearing. An expedited hearing may be held via telephone or in court. If a telephonic hearing is granted it must be scheduled by the requesting party. The court will not meet with one party in person while conferring with other parties on the phone.

## **DISCOVERY DISPUTES**

5. Good faith efforts must be made to settle discovery disputes. Non-prevailing parties in motion to compel will be subject to assessment of expenses and/or attorney fees.

## **SUMMARY JUDGMENT AND/OR MOTION TO DISMISS**

6. The Mississippi Supreme Court has favored the trial of the issue(s) before a jury, as opposed to a grant of Summary Judgment. The court respects this position of the Court. Decisions regarding Summary Judgment motions or other motions treated as Summary Judgment motions may be made by the court, WITHOUT A HEARING. Non-prevailing parties in motions for Dismissal and/or Summary Judgment shall be assessed cost and/or attorney fees in accordance with Rule 56(h) M.R.C.P.

## **AMENDMENTS**

7. The court grants motions to AMEND freely. As such, agreements of the parties on this issue may be submitted as agreed orders without the necessity of hearing. Should a party refuse to agree to an amendment, the amending party may seek redress with the court.

## **PRESENTATION OF ORDERS**

8. Any and all orders may be mailed or hand delivered and must be accompanied by a cover letter. Orders unaccompanied by a cover letter or orders left or mailed to the circuit clerk's office will not be signed by the court. Further, all Agreed Orders must be signed by an attorney for each party.

## **PRETRIAL AND TRIAL SETTINGS**

9. Prior to setting a matter for trial, an Agreed Scheduling Order must be filed. Sixty (60) days after the defendant or the last of the defendants has responded to the complaint, the plaintiff shall initiate the filing of an Agreed Scheduling Order. Any party who fails, without just cause, to agree to a scheduling order shall be subject to sanctions by the Court.

10. The requesting party shall contact the Court Administrator or review the website for potential trial dates. Once a date has been selected the Court Administrator shall be contacted to tentatively place the case on the docket. Once the court receives a copy of the filed notice of trial setting, the case is placed on the court's docket. Failure to provide a copy of the filed Notice of Trial Setting within ten (10) days will result in the case being removed from the Trial Docket. Please be advised that the Court may place actions upon the trial calendar in such other manner as the Court deems appropriate.

11. Failure to appear for trial, without notice of a settlement or without securing an order for continuance is sanctionable by the court. Continuances will be granted ONLY upon showing of just cause.

12. Parties shall notify the court immediately when a case settles, so as to avoid unnecessary jury costs for the county and taxpayers. Notification may be by mail, telephone, and/or fax communication.

## **MEDIATION REFERRALS**

13. Cases may be referred to mediation upon the motion of a party or on the court's own motion. A case referred to mediation may be removed from the pretrial and trial calendar after a referral order is finalized. Good faith efforts must be made to resolve the action through mediation, in accordance with the mandates of the Mississippi Supreme Court. If a case is not resolved after referral of mediation, the parties must notify the court within ten (10) days, and a new pretrial and trial date must be secured by the parties.

## **REFERRAL TO COUNTY COURT**

14. Attorneys must file a motion requesting a referral to county court for trial. The motion must be specific and justify the reasons for the request. Agreement of the parties to have a case heard in county court does not require the court to order the relief requested.

## **TRIAL MATTERS**

- 15. Attorneys must comply with Rule 3.07 of the Uniform Circuit Court Rules regarding the filing of Jury Instructions. Additionally, the attorneys must provide the Court a copy of the proposed instructions along with a diskette containing the instructions at least 24 hours prior to trial.**
- 16. The Court shall be provided a copy of any depositions to be read to the jury or shown by video.**
- 17. Prior to trial each party must provide the Court with a copy of all exhibits to be offered into evidence.**
- 18. Pretrial Orders must be submitted to the Court thirty (30) days before the date of the trial.**