

## Honorable Rudy Nichols

### **Location**

Fifth Floor – Oakland County Courthouse – Room 5C

Telephone: 248-452-2000

Fax: 248-975-9794

### **Procedural Guidelines for Practice in Judge Nichols' Courtroom**

#### **Scheduling/Conference**

Scheduling Orders are computer-generated by the Case Management Office. The Court conducts a combined settlement conference and final pretrial on the day of the pretrial, the date of which is set in the Scheduling Order. The attorney trying the case is expected to attend. All parties must be present for the settlement conferences; telephone settlement conferences are not conducted. Criminal sentences and arraignments are held at 8:30a.m, on Fridays **on a first come/first serve basis**. The Court accepts Cobb pleas to sentence guidelines only, as those guidelines determined by the Court. Generally oral bond motions are not permitted.

#### **Motion Practice**

Follow MCR 2.119 and MCR 2.119(B)(C).

All motions must be in writing, properly filed and noticed for hearing. **Oral (unwritten) responses are not permitted.** The combined length of all motions and briefs must comport with the court rules.

Motion call is conducted at 8:30a.m. on Wednesdays **on a first come/first serve basis**. Attorneys are encouraged to be on time and to check in with the court clerk upon arrival, as criminal cases are usually scheduled at 10:00a.m. Oral arguments are at the Judge's discretion [MCR 2.119(E)(3)] and usually are unnecessary. Parties are encouraged to present a proposed Order at the time the motion is decided. (Blank forms are available for that purpose).

All dispositive motions and appeals are scheduled by the Court through its Staff Attorney. Make sure they are timely filed ten weeks before the trial date (check your S.O. – scheduling order). This includes summary disposition motions, motions for declaratory judgment, administrative appeals, and district court appeals. Motions in limine and those challenging experts must be filed and noticed for hearing no later than three weeks before trial. Since Motions For Reconsideration may just sin a court file, they must be praeciped for a hearing (without oral argument) on any Wednesday at 8:30 a.m. Also make sure judges copies are provided to chambers.

## **TRO/INJUNCTION**

All requests for TRO's must be made pursuant to the court rules and case law. Requests for injunctive relief must be supported with the proper factual and legal basis at the time the request is made.

## **Discovery**

The discovery period is controlled by the scheduling order, which is generally 6 to 9 months. Requests for an extension of the discovery period may be made by motion or stipulated to by parties, so long as they do not affect the trial date and are approved by the Court. Discovery "Masters" are not allowed.

## **Pretrials**

The Court generally issues a Final Trial Order which governs the course of trial. These are generally held well before trial. Settlement discussions are emphasized; all parties must attend.

## **Trials**

The Case Management Office sets the general docket order. Adjournments may be allowed if for good cause, no prior requests have been made, and the Court approves. No trial briefs are requested in jury trials; however, findings of fact and legal positions are required in trial briefs for bench trials. Exhibits must be marked in advance and witnesses readily available. Plaintiff numbers exhibits; Defendant uses letters. Trial days are 8:30a.m. – 4:30p.m. Monday, Tuesday, Thursday; 1:30p.m. – 4:30p.m. Wednesday and Friday. The Court conducts voir dire. Voir dire requests from the parties will be considered if received on week before trial and in writing. Questions submitted should pertain to bias or prejudice and not be argumentative. Plaintiff must submit jury instructions before trial so Defendant may object. **All disputes about instruction must be resolved before trial**, unless based upon a fact question from trial. Jurors may take notes during trial and are allowed to take the instructions into deliberations.

## **General**

Drivers license restoration as per statute.