

The Honorable Mary Ellen Brennan

Location

Third Floor - Oakland County Courthouse

Telephone: 248-858-0355

Procedural Guidelines for Practice in Judge Mary Ellen Brennan's Courtroom

In order to better serve the attorneys and litigants in the Oakland County Circuit Court-Family Division, the family division judges have adopted the following guidelines. Please advise your clients and staff so that there are no misunderstandings.

ORDERS PRESENTED FOR JUDGE'S SIGNATURE

- True copies: Our clerks will be happy to process four true copies of each order signed, or as many true copies as there are parties, whichever is greater. Attorneys should present copies for processing.
- Returning orders: We can mail true copies of orders to you. If you do not attach an envelope, we will hold your copies for two business days. Because of space constraints, we cannot hold them for a longer period. If not picked up, original orders will be filed and true copies will be discarded.

DISCOVERY

This Court will make itself available by telephone, on short notice, in order to resolve discovery disputes expeditiously and without the need for motions.

EXTENSIONS OF DISCOVERY: The standard scheduling order requires that the parties' exchange witness lists within a specific timeframe. The discovery cutoff date is set at the scheduling conference. Parties may be given additional time after the scheduling conference to complete discovery depending upon the type of case. It is expected, however, that discovery will have been commenced prior to the settlement conference. Requests for extensions must be made by written motion. After the discovery cutoff, discovery will almost never be extended. Although the Court rarely strikes or limits expert testimony, it will do so where a party fails to provide a report, except for rebuttal witnesses. Any witness that is not named will not be allowed to testify at trial. Other requests for extensions must be made by written motion. One 60-day extension of summons will be granted upon a showing of good cause.

PREPARING FOR MOTION CALL

- **Judge's copy of motions or briefs:** Frequently, the file does not contain pleadings for a praeciped motion. To allow the judge time to review your motion, please deliver a copy of your motion/brief directly to the judges office by noon on the Friday (or sooner) before the scheduled hearing date. Be sure to print the hearing date on the top of the first page or attach a copy of the notice of hearing or praecipe so we know when the motion is scheduled.
- **Responsive pleadings:** Your answer or responsive brief is just as important to the judge. Please deliver responsive pleadings by noon on Tuesday (or sooner) before the Wednesday motion call. (Note we cannot guarantee receipt of pleadings left in the County Clerks Office or slipped under the door.)
- **Adjourned motions:** Again, due to storage limitations, if you reschedule your motion, you will need to file new judges copies of the pleadings. All judges copies will be discarded after motion call. We have no way of knowing which motions will be rescheduled and which have been abandoned.
- **Praecipies filed late:** If you were unable to timely or properly file a motion, we cannot add it to the motion call. You may re-praecipe the motion for hearing on a subsequent motion day. Be sure to check the legal newspapers to find out if your motion is scheduled. If it is not on the call, check with the Assignment Office. Notify opposing counsel to avoid needless trips to the court house.
- **Motions for summary disposition:** Please schedule motion hearing with staff attorney for Judge Brennan.
- **Emergency Motions:** The judge may consider hearing an emergency motion at any time. A written petition explaining a request for an emergency motion can expedite the courts handling of emergency matters.
- **Motions to settle orders:** Present the judge with a transcript of the proceeding in which an order was made. Requests to review the video tape of an earlier hearing must be made prior to the hearing on the motion.
- **Requests for Evidentiary Hearing:** If you have an issue that involves a factual dispute, you must file a motion in order to request an evidentiary hearing before the judge. Requests for hearing before a referee may be made at the Early Intervention Conference without filing a motion.

CHECK-IN PROCEDURE: Domestic motions are heard on Wednesday's beginning at 8:30 a.m. First come--first served. Check in by listed number. Pursuant to Local Court Rule 2.119(C), if the moving party of a praeciped motion has not checked in with the clerk by 9:30 a.m., the court may dismiss the motion on its own or upon request of the opposing party. If counsel for the opposing party in a motion praeciped for hearing has not checked in with the clerk by 9:30 a.m., the clerk shall call the case upon request of the moving party and if appropriate, the Court shall grant the requested relief.

PRETRIAL/SETTLEMENT CONFERENCES

- **Attendance:** Attorneys and their clients must attend any scheduled conference.
- **Adjournments:** No adjournments will be granted without permission of the court and requests must be made 2 days prior to the date. While adjournments should be requested only when absolutely necessary, the court will consider stipulated requests without the necessity of a formal motion provided the adjournment does not interfere with any other scheduled dates. The stipulation and order should state the reason for the adjournment and further should comply with MCR 2.503.
- **Scheduling Order:** The court clerk will issue a scheduling order following the conference. Be sure to take your copy with you as that will be the only notice of subsequent dates. The order will contain deadlines for discovery cutoff, witness list exchange, mediation, and other important information. A mediator will be named, if needed, and a trial date will be set. Ask the clerk for the form when checking in.
- **Extension of dates in scheduling order:** Counsel is encouraged to communicate and work together. Scheduled deadlines may be extended by stipulation provided there is no interference with mediation or trial dates. Once a scheduling order is issued, adjournments of trial and/or mediation require the filing of a motion.

JUDGEMENTS OF DIVORCE

- **Trials:** Trial dates are set at the settlement conference. Requests to adjourn must be made by written motion. Stipulated orders may be considered. All orders for adjournment must comply with MCR 2.503.
- **Trial briefs:** Trial briefs must be filed in all cases. Refer to Scheduling Orders for specific requirements. Be sure to identify uncontested issues.
- **Settlements:** Settlements may be placed on the record by notifying the court clerk and requesting a time for hearing. No written motion is required.
- **Default Judgments:** Prior to presenting proofs, check to be sure you have filed a Default against the defendant. You must give notice if you intend to take a Default Judgment unless judgment is requested on the day of trial. Proofs of service should be filed at the time of or before taking a Default Judgment. MCR 2.603.
- **Judgments:** Whenever possible, the moving party should present the judge with a written judgment, approved by counsel and parties who have appeared, immediately before requesting judgment. All judgments must be presented for signature no later than 21 days after the judgment is granted, unless an extension is permitted by the court. MCR 3.211 (G)