

## **Honorable Rudy Nichols**

### **Location**

Fourth Floor - Oakland County Courthouse  
Telephone: 248-452-2000  
Fax: 248-975-9794

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

In order to better serve the attorneys and litigants appearing in Judge Nichols' courtroom, we have adopted the following guidelines. Please advise your clients and staff so that there are no misunderstandings.

### **Scheduling/Conference**

Scheduling Orders are computer-generated by the Case Management Office. Court generally does not hold status conferences. The Court conducts settlement conferences on the date of the pretrial, the date of which is set in the Scheduling Order. All parties must be present for the settlement conferences; telephone settlement conferences are not conducted.

Criminal sentences and arraignments are held at 8:30 a.m. on Fridays. The Court accepts Cobb pleas to sentence guidelines only, as determined by the Court. The Court generally will not permit arraignments by mail. Generally oral bond motions are not permitted.

### **Motion Practice**

Follow MCR 2.119 and LCR 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 8:30 a.m. on Wednesdays. Motions are heard 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 10:00 a.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.

All dispositive motions and appeals are scheduled by the Court through its Staff Attorney. This includes summary disposition motions, motions for declaratory judgment, administrative appeals, and district court appeals. Motions in limine must be filed and noticed for hearing no later than two weeks before trial.

### **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.

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### **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 other Scheduling Order dates 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 just before trial. Settlement discussions are emphasized at final conferences; 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 immediately available. Plaintiff numbers exhibits; Defendant uses letters. Trial days are 8:30 a.m. – 4:40 p.m. Monday, Tuesday, Thursday; 1:30 p.m. – 4:30 p.m. Wednesday and Friday. The Court conducts voir dire. Voir dire requests from the parties will be considered if received one week before trial and in writing. Questions submitted should pertain to bias or prejudice and not be argumentative. Plaintiff must submit jury instructions two weeks before trial so Defendant may object. All disputes about instructions 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.