

The Honorable Elizabeth Pezzetti

Location – Court Room 1D
1st Floor - Oakland County Courthouse
Telephone: 248-858-0240

Procedural Guidelines for Practice in Judge Elizabeth Pezzetti's Courtroom

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

Orders Presented for Judges 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. Attorney should present copies for processing.
- **Returning Orders:** We can mail true copies of orders to you. Please submit a stamped, self-addressed envelope large enough to return all of your requested documents. If you do not attach an envelope, we will hold your true copies two weeks. Because of space constraints, we cannot hold them for a longer period. If not picked up, the original order will be filed and true copies will be discarded.

Preparing for Motion Call

- **Check-In Procedure:** Domestic motions are heard on Wednesdays beginning at 8:30 a.m., promptly. 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.
- **Judge's Copy of Motions or Briefs:** Frequently, the file does not contain pleadings for a praeciped motion. Judge Pezzetti requires a copy of your motion/brief to be delivered to her office by 4:30 p.m. the Wednesday preceding the scheduled Wednesday motion call. Be sure to print the hearing date of your motion on the top right-hand corner of the first page marked "Judge's Copy" or, attach a copy of the notice of hearing or praecipe so we know when the motion is scheduled. Please remember to praecipe your motion.
- **Responsive Pleadings:** Your answer or responsive brief is just as important to the judge. A copy of the responsive pleadings must be filed with the Clerk's Office and delivered by 4:30 p.m. the Friday preceding the scheduled Wednesday motion call.
NOTE: We cannot guarantee receipt of pleadings left in the County Clerk's Office or slipped under the door.
- **Adjourned Motions:** Again, due to storage limitations, if you reschedule your motion, you will need to file new judge's copies of the pleading. All judge's copies will be discarded after motion call. We have no way of knowing which motions will be rescheduled and which have been abandoned.

- **Praecipes Filed Late:** If you were unable to timely or properly file a motion, we will not add it to the motion call unless both parties are present in the court room and agree to have the matter heard. 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 Case Management Office. Notify opposing counsel to avoid needless trips to the courthouse.
- **Emergency Motions:** The judge may consider hearing an emergency motion at any time. To be considered, a written petition explaining a request for an emergency motion shall be submitted to the court. Motion must be signed by the attorney and a separate Order presented for the Judge to Sign.
- **Motions to Settle Orders:** The judge cannot always remember what was decided on your case. You are required to prepare a handwritten Order directly after the Judge has made her ruling on Motion call. There are blank orders in the podium to expedite this process.
- **Request 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.
- **Miscellaneous:** Motions and other matters relating to personal protection orders will be heard Wednesdays at 1:30 p.m. Petitions for hearings on personal protection orders must be set with the Clerk and may not be set arbitrarily by the attorney.

Petitions and other matters in guardianships, conservatorships, decedent's estates, and trusts will be heard on Wednesdays at 8:30 a.m., promptly.

Motions and other matters in juvenile cases (delinquency, and abuse and neglect) maybe set by any of the parties on any regular Wednesday morning at 8:30 a.m. These Motions must be noticed by the moving party exactly like any other motion is.

Pretrial/Settlement Conferences

- **Attendance:** Attorneys and their clients must attend any scheduled Settlement Conference unless the Court excuses the clients upon request of the attorneys.
- **Adjournments:** No adjournments will be granted without permission of the court. While adjournments should be requested only when absolutely necessary, the court will consider one (1) stipulated request without the necessity of a formal motion provided there is good cause demonstrated in the stipulation, and the adjournment does not interfere with any other scheduled dates. The Stipulation and Order should comply with MCR 2.503. After the parties have stipulated to one (1) adjournment in a case, the court will only consider subsequent adjournment requests made by formal motion.
- **Scheduling Order:** Scheduling Orders will be issued at the Early Intervention Conferences for divorces with children. In divorces without children the Scheduling Orders will be issued at the first scheduled Pre-Trial date. The order will contain deadlines for discovery cutoff, witness list exchange, mediation, and other important

information. A mediator must be provided on the Scheduling Order regardless of whether the parties have a need to utilize those services in settling their issues. Ask the clerk for the form when checking in.

The court will issue a scheduling order following the conference. Be sure to take your copy with you. This may be your only notice of subsequent events.

- **Extension of Dates in Scheduling Order:** We encourage counsel to communicate and work together. Scheduled deadlines may be extended by stipulation provided there is no interference the trial dates.

Judgment of Divorce

- **Trial Briefs:** Trial briefs must be filed in all cases prior to the scheduled trial date. Refer to Scheduling Orders for specific requirement. Be sure to identify uncontested issues. Trial exhibits must be in three-ring binders. Plaintiff's exhibits should be marked with numbers and Defendant's exhibits with letters. Parties must supply exhibit notebooks for the Court, opposing counsel and the witness.
- **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 an Entry of Default against the Defendant. You must serve Notice of Entry of Default Judgment with the date that Proofs will be taken. Please make sure that you have sent a copy of the Judgment of Divorce and the Affidavit of Default, Notice of Entry of Default Judgment to the opposing party. Proof of service should be filed at the time of or before taking a default judgment. MCR2.603.
- **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 the court permits an extension. MCR 3.211(G). The Clerks, as a courtesy, will call Plaintiff's counsel and notify them when they can pick their Judgment up for filing as soon as the Judge has signed the Judgment.