

The Honorable Karen D. McDonald

Courtroom 5C - Fifth Floor - Oakland County Courthouse
Telephone - 248.858.0340

Orders Presented for the Judge's Signature

- **SIGNATURES:** Original signatures must appear on all orders. Clients and Attorneys must both sign orders (if applicable).
- **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, as the clerks will not be able to make copies.
- **RETURNING ORDERS:** We can mail true copies of orders to you. If you do not attach an envelope, we will hold your true copies for ten (10) days. Because of space constraints, we cannot hold them for a longer period. If not picked up within ten (10) days, true copies will be discarded.
- **WITHDRAWAL OF COUNSEL/SUBSTITUTION OF COUNSEL:** When filing a withdrawal or substitution of counsel, the opposing party(ies) must also sign the stipulation.

Preparing for Motion Call

- **ADJOURNED MOTIONS:** Please notify the chambers immediately upon the adjournment of a motion.
- **ABANDONED MOTIONS:** Unless excused by the Court, the moving party must appear for the motion. Failure to appear may result in an \$100.00 assessed penalty to the moving party. To be excused by the Court, the moving party must call chambers by 4:00 p.m. on Tuesday to advise the clerk that the motion has been adjourned or withdrawn.
- **PRAECIPES FILED LATE:** If you were unable to timely or properly file a motion, we cannot add it to the motion call. You may re-praeceive 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 courthouse.
- **MOTIONS FOR SUMMARY DISPOSITION:** Please schedule the motion hearing with the staff attorney for Judge McDonald. Please file the motion and direct it to the staff attorney's attention. Please do not praeceive the hearing, as the Court will issue a scheduling order and serve it on all interested parties.

- **EMERGENCY MOTIONS:** All emergency motions must be in writing and brought directly to Judge McDonald's chambers. Please do not leave emergency motions in the Court Clerk's office downstairs or in the Court's "in" box. In order to receive assistance with your emergency motion, you must speak with one of Judge McDonald's clerks directly.
- **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 HEARINGS:** If you have an issue that involves a factual dispute, you must file a motion 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.
- **SERVICE ISSUES:** The Court will not typically adjourn a moving party's motion based on a respondent's claim of improper service. The respondent should contact the moving party to ask for an adjournment of the motion or raise service issues in the response.

Check-In Procedure

Domestic motions are heard on Wednesdays beginning at 8:30 a.m. First come-first served. Check in by listed number, which can be found on the motion call list. 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

- **SCHEDULING ORDER:** The Judge's Clerk will issue a scheduling order following the Settlement Conference. Please be sure to take your copy of the scheduling order with you, as that will be the only notice of subsequent dates. The order will contain deadlines for discovery cut-off, 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.

Trials/Evidentiary Hearings

- **TRIAL DATES:** Trial dates are set at the Settlement Conference. Parties and counsel are expected to comply with all dates set forth in the Scheduling

Order. 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. Failure to follow requirements of the Scheduling Order may result in rejection of the trial brief.
- **TRIAL EXHIBITS:** All exhibits are to be marked prior to Trial, and a book of proposed exhibits must be submitted to the Court. Parties and counsel must discuss all proposed exhibits with each other prior to the day of Trial. Parties and counsel must identify and simplify issues to be settled by the Court.
- **FINDINGS OF FACT:** Proposed findings of fact must be submitted to the Court after the conclusion of Trial.
- **MEDIATION:** Before the Judge will try a case, it must be mediated.
- **SETTLEMENTS:** When putting a settlement on the record, all parties are required to appear unless there is a signed acknowledgment of settlement in place. If a signed settlement is in place, then only Plaintiff and Plaintiff's counsel need to appear.
- **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.
- **PPO HEARINGS:** A party petitioning the Court for a Personal Protection Order must appear in person.

Motions for Reconsideration

Do not file a Praecipe or Notice of Hearing. File original with the Clerk's office and file Judge's Copy to the attention of the Staff Attorney. Pursuant to the Court Rules, a hearing will not be held unless ordered by the Court.

Courtroom Policies:

- No children are allowed in the courtroom, unless given specific permission by the Judge's staff.
- Hats are not allowed to be worn in the courtroom.
- Sunglasses are not allowed to be worn in the courtroom.
- Gum chewing is not allowed in the courtroom.
- All attorneys appearing before the Judge shall wear a suit jacket or sport coat. Cardigans and/or sweater sets are not considered jackets.