

Honorable Victoria A. Valentine

Courtroom 5A - Fifth Floor - Oakland County
Courthouse Telephone: 248-858-5282

GENERAL:

Counsel and parties shall treat all people, be they opposing parties, opposing counsel, witnesses, jurors, staff or strangers, with respect, decency and civility.

Appropriate dress is required. Those dressed inappropriately will be asked to leave the Courtroom and their case may not be heard.

Cell phones, pagers or any other electronic devices with an alert notice are to be turned off prior to entering the Courtroom and stored out of sight. Cell phones are not to be answered in the Courtroom.

Note: Counsel is expected to notify client(s) of the above General Protocol.

E-SERVICES – DO CASES: To ensure proper receipt of email service of notices and orders to attorneys/pro per parties add *cmo@oakgov.com* to your contact list. Please be sure to update your email if it changes.

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.
- There is a drop box located in our Courtroom. Stipulated Orders can be left in the box labeled “Drop Off.” Upon entry, true copies will be placed in the “Pick Up” box. True copies will only be held in the “Pick Up” box for 2 weeks. After 2 weeks they will be discarded.
- True copies can also be mailed **if a large enough self-addressed stamped envelope is provided.** If you do not attach an envelope, true copies will be placed in the drop box labeled “Pick Up” in the Courtroom.

PLEADING CAPTIONS: Pleading captions should include email addresses for counsel of record and/or *in pro per* parties.

EX PARTE ORDERS PRESENTED FOR JUDGE’S SIGNATURE:

- **Ex Parte Orders providing for child support, custody or visitation:** All Ex Parte Orders submitted to this Court providing for child support, custody or visitation in accordance with MCL 722.27a **MUST CONTAIN THE FOLLOWING NOTICE PURSUANT TO MICHIGAN COURT RULE 3.207(B)(5):**

NOTICE:

You may file a written objection to this order or a motion to modify or rescind this order. You must file the written objection or motion with the clerk of the court within 14 days after you were served with this order. You must serve a true copy of the objection or motion on the friend of the court and the party who obtained the order.

If you file a written objection, the friend of the court must try to resolve the dispute. If the friend of the court cannot resolve the dispute and if you wish to bring the matter before the court without the assistance of counsel, the friend of the court must provide you with form pleadings and written instructions and must schedule a hearing with the court.

The ex parte order will automatically become a temporary order if you do not file a written objection or motion to modify or rescind the ex parte order and a request for a hearing. Even if an objection is filed, the ex parte order will remain in effect and must be obeyed unless changed by a later court order. (MCR 3.207(B)(5)).

- **All other Ex Parte Orders, other than those for child support, custody or visitation:** All Ex Parte Orders submitted to this Court, other than those for child support, custody or visitation, **MUST STATE:**

That it will automatically become a temporary order if the other party does not file a written objection or motion to modify or rescind the ex parte order and a request for hearing. The written objection or motion and the request for a hearing must be filed with the clerk of the court, and a true copy provided to the friend of the court and the other party, within 14 days after the order is served. (MCR 3.207(B)(6)).

- **Ex Parte Mutual Restraining Orders AND Ex Parte Status Quo Orders:** Ex Parte Mutual Restraining Orders **AND** Ex Parte Status Quo Orders **MUST CONTAIN THE FOLLOWING LANGUAGE:**

Both parties shall be entitled to use an equal amount of marital assets to retain an attorney.

PROPOSED ORDERS THAT DO NOT CONTAIN THIS LANGUAGE WILL NOT BE ENTERED BY THE COURT. For your convenience, this language can be copied and pasted from Judge Valentine's Printable Protocol.

DISCOVERY ISSUES: If available, this Court can be contacted by telephone, on short notice, in order to resolve immediate discovery disputes expeditiously and without the need for motions. The Court's indication about how to proceed is instructional and **is not** the Order of the Court unless the instructions are reduced to writing. All calls are to have both parties on the telephone line; **PLEASE DO NOT CALL EX PARTE.**

BRIEF REQUIREMENTS:

- **ALL Briefs filed with the Court must be double spaced and a 12 point font must be used.**
- **Judge's Copies of ALL evidentiary and trial Briefs must be delivered to Chambers at least seven (7) days prior to the hearing unless otherwise ordered by the Court.**

EXTENSIONS OF DISCOVERY: The standard scheduling order requires that the parties exchange witness/expert lists within a specific time frame. 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 unless the parties stipulate to an extension. **Extensions of time are not permitted to affect the Court's hearing or trial dates.**

EXTENSION OF SUMMONS: Extensions of Summons must be made pursuant to Court Rules.

EXPERT TESTIMONY: Expert testimony will be allowed based on Court Rules.

WITNESS TESTIMONY: Any witness that is not named will not be allowed to testify at trial unless the witness is a rebuttal witness or the failure to disclose is shown to be for good cause.

EXHIBITS: With the exception of Rebuttal Exhibits, all potential Exhibits must be shared with the other side at least 2 days prior to the hearing and/or trial. The parties should stipulate to the entry of any Exhibit for which there is no objection. This will allow the Court to conduct hearings in a more efficient and expedited manner. When labeling Exhibits, Plaintiffs are to use numbers and Defendants are to use letters. The parties shall use the attached form to identify their Exhibits and shall be responsible for keeping track of their Exhibits and their entry. **Each party is to use a separate tracker. (Click link for form).**

ADJOURNMENTS: While adjournments should be requested only when absolutely necessary, as a general rule, the Court will consider 1 stipulated request without the necessity of a formal motion, provided the adjournment does not interfere with any other scheduled dates. Any subsequent adjournment requests should be formally brought before the Court for consideration. All Stipulations and Orders for adjournment **must:**

- state the filing date of the Complaint,
- provide the reason for the adjournment;
- indicate what adjournment number it is; and
- comply with MCR 2.503.

Stipulated adjournments that take a case out of time guidelines will not be entered.

PRISONER PARTICIPATION: To make the necessary arrangements, requests for Prisoner participation, be it either in person or by telephone, must be made to Chambers at least 1 week prior to the hearing date and/or as soon as practical based upon the date of incarceration **using the Chamber Notification Form. This form can be accessed through Judge Valentine's Protocol link.** Please have the correct spelling of Prisoner's name and his/her date of birth when contacting chambers. Incorrect spelling and/or birth date may prevent the Prisoner from participating.

JUDGE ONLINE: Information regarding Oakland County Circuit Court's Judge Online Program is available at <https://www.oakgov.com/courts/Pages/jol/default.aspx>. Information, procedures and FAQs are available at this webpage. Please note, however, you **MUST** call chambers and request approval for a telephone conference prior to beginning the formal process. Also note that there is a \$30 fee charged by the Court for this service. **Additionally, counsel and/or in pro per parties, must contact Chambers regarding authorization for using Judge Online for trial/evidentiary hearing witnesses must be given in writing by Judge Valentine. JUDGE ONLINE IS NOT AVAILABLE FOR MOTIONS.**

INTERPRETER REQUESTS: Any party in need of an interpreter must let chambers know as soon as possible. Any requests for interpreter made with less than 1 week notice may result in an adjournment of the scheduled hearing date.

FRIEND OF THE COURT HANDBOOK. The Friend of the Court (FOC) Handbook contains information regarding parents' rights and responsibilities, FOC duties, opting out of FOC services, Court procedures, Alternative Dispute Resolution (ADR), custody, parenting time and support.

The FOC Handbook can be accessed through the following link.

http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/focb/focb_hbk.pdf

PREPARING FOR MOTION CALL (REALLY, READ THIS):

- **Judge's copy of motions or briefs:** Frequently, the file does not contain motions/brief for a praeciped motion. To allow the Judge time to review your motion, please deliver a copy of your motion/brief directly to the Judge's chambers by 1:30 PM on the **Friday** (or sooner) before the Wednesday motion call. 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. Judge's copy may be mailed, as long as it is received by the deadline. Judge's copy may also be dropped off in the Courtroom drop box labeled "Judge's Copy." **If the praeciped motion is not presented to the Court prior to the 1:30 PM Friday deadline stated above the Court may dismiss the praecipe.**
- **Re-Praecipis:** A motion may be dismissed, without prejudice, if after the initial praeciped hearing date the motion is repraeciped two or more times without being heard. If a motion is dismissed for this reason and the moving party still requests the motion be heard, a new motion fee must be paid, the motion must be refiled and a new notice of hearing and praecipe must be filed.

- **Responsive pleadings:** Your answer or responsive brief is just as important to the Judge. Please deliver responsive documents by noon on Monday (or sooner) before the Wednesday motion call. Judge's copies may be mailed, as long as they are received by the deadline. Judge's copies may also be dropped off in the Courtroom drop box labeled "Judge's Copies."

In some cases where the motion/brief/response will not be delivered to the Court in time, the Court may allow them to be emailed to the staff attorney. Please contact Chambers to ensure that your motion/brief/response will be received via email. This DOES NOT take place of the requirement of filing the responses with the Court.

- **Adjourned motions:** If a motion is adjourned and/or rescheduled, you **MUST** let the Court know no later than 4:00 PM on the Tuesday prior to the date the Motion is to be heard.
- **Abandoned Motions: MCR 2.119 (E)(4)(b) states, "unless excused by the Court, the moving party must appear at a hearing on the motion. A moving party who fails to appear is subject to assessment of costs under subrule (E)(4)(c); in addition the Court may assess a penalty not to exceed One Hundred Dollars (\$100.00), payable to the Clerk of the Court."** Please take notice - To be excused by the Court, the moving party must call chambers by 4 p.m. on the Tuesday before the Motion is to be heard and advise the Clerk that the motion has been adjourned or withdrawn.

Please take notice that pursuant to MCR 2.119(E)(4)(c), if a party violates the provisions of subrule (E)(4)(a) or (b), the court shall assess costs against the offending party, that party's attorney, or both, equal to the expenses reasonably incurred by the opposing party in appearing at the hearing, including reasonable attorney fees, unless the circumstances make an award of expenses unjust.

Further, all Motions for which the movant did not appear will be dismissed and Judge's copies will be discarded on the date scheduled to be heard. Chambers must adhere to this protocol as 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 cannot add it to the motion call. You may re-praeceipe 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.
- **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 Court's handling of emergency matters.
- **Motions for Summary Disposition:** The timeline and briefing schedule for Motions for Summary Disposition is pursuant to Court Rules (MCR 2.116).
- **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.
- **Scheduled Evidentiary Hearings:** Briefs must be filed and exchanged, with a Judge's Copy delivered to chambers, seven (7) days before the scheduled Evidentiary Hearing. If the due date falls on a Saturday or Sunday, then the Briefs must be filed on the Friday before the weekend due date.

CHECK-IN PROCEDURE: Motions are heard on Wednesdays beginning at 8:30 a.m. on an all-parties-present first come, first served basis. Check-in is by listed call 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:** For the first settlement/status conference, at which a scheduling order is to be issued, it is permissible for only attorneys to appear. **Attorneys and their clients must attend any other scheduled hearing(s) unless excused by the Court.**
- **Scheduling Orders:** If the parties can agree to the content of the Scheduling Order, they may present a proposed Scheduling Order to the Court on the date and time set for the first settlement/status conference. If a proposed Scheduling Order is being presented, the parties will not be required to go on the record and, therefore, only the party presenting the proposed Scheduling Order need be present. **Please bring 4 copies of the proposed Scheduling Order to the first settlement/status conference.** A blank [Scheduling Order](#) can be accessed through Judge Valentine's Protocol link. The following timeline guidelines should be used:
 1. *Discovery shall be completed by:* **This is either 60 days or 90 days from the date of the first settlement/status conference.**
 2. *Witness/Exhibit Lists:* **Due 1 week prior to the discovery cutoff date.**
 3. *Experts:* **To be named 1 week prior to the discovery cutoff date.**
 4. *Appraisals:* **To be completed 1 week prior to the discovery cutoff date.**
 5. *Mediator:* **Can be any mediator agreed upon by both parties.**
 6. *Mediation.* **Mediation must be completed no later than 7 days after the discovery cutoff date.**

7. *Trial date:* **The Court will set the trial date at the settlement/status conference. If there are dates the parties know are not available on their calendars, those dates should be brought to the first settlement/status conference.**

8. *Judge's Copy:* **The Judge's Copy of the Trial Briefs is due 7 days prior to the trial date.**

- **Adjournments:** No adjournments of a Pretrial/Settlement Conference 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. All Stipulations and Orders for adjournment **must:**
 - state the filing date of the Complaint,
 - provide the reason for the adjournment;
 - indicate what adjournment number it is; and
 - comply with MCR 2.503

Stipulated adjournments that take a case out of time guidelines will not be entered.

- **Scheduling Order:** The Court will enter 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/expert 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.
- **Trial Scheduling Order:** The Court will issue a Trial Scheduling Order at the time it issues the initial Scheduling Order. The Trial Scheduling Order will contain deadlines for filing of Trial Briefs, Motions in Limine, exchanging Exhibits and/or jury instructions (if applicable) and other pre-trial matters. All pre-trial matter disputes must be brought to the Court's attention 14 days before the date scheduled for trial.
- **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, trial or evidentiary hearing dates. Once a scheduling order is issued, adjournments of trial and/or mediation require the filing of a motion.

EVIDENTIARY HEARINGS (Non-Motion): Two business days before the date and time scheduled for hearing Plaintiff **and** Defendant are required to call the Court or email feinbergs@oakgov.com to confirm their intention to proceed with the hearing and specifically identify all issues that are to be ruled upon at the hearing. Also to be identified are any issue(s) for which there is a stipulation and is/are no longer the subject of the hearing. Unless otherwise directed by Order, all hearing briefs must be filed and exchanged between parties, **with Judge's copy delivered to chambers**, at least seven (7) days before the scheduled hearing date.

JUDGMENTS OF DIVORCE:

- **Trials:** Trial dates are set at the settlement conference. While adjournments should be requested only when absolutely necessary, the Court will consider 1 stipulated request without the necessity of a formal motion, provided the adjournment does not interfere with any other scheduled dates. Any subsequent adjournment requests should be formally brought before the Court for consideration. All Stipulations and Orders for adjournment must:
 - state the filing date of the Complaint,
 - provide the reason for the adjournment;
 - indicate what adjournment number it is; and
 - comply with MCR 2.503.

Stipulated adjournments that take a case out of time guidelines will not be entered.

- **Trial briefs:** In all cases, Trial briefs must be filed and exchanged between parties, with a Judge's copy delivered to chambers at least seven (7) days prior to the scheduled trial date. Refer to Scheduling Orders for specific requirements. Be sure to identify contested issues. **Note: if you have settled the case and plan to appear at the scheduled trial date to put proofs on the record, you are required to notify the Court prior to the scheduled trial date.**
- **Settlements:** Settlements may be placed on the record by notifying the Court Clerk and requesting a time for hearing. No written motion is required.
- **Defaults and Default Judgments:** All applicable Court Rules, including MCR 3.210(B), must be complied with prior to appearing in Court for a Default Judgment Hearing. **Check to be sure you have properly filed, entered and noticed the Default against the non-moving party pursuant to the Court Rules.**
- **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). After first extension it is within the Court's discretion to dismiss the case.
- **Uniform Child Support Orders (UCSO):** All UCSOs must be filled out completely and accurately. **An updated Major Item Check List Before Entry of UCSO can be accessed through Judge Valentine's Protocol link.** Please take a moment to review before submitting a UCSO.

AFFIDAVITS AND ORDER SUSPENSION OF FEES/COSTS: Signatures on the Affidavit and Order Suspension of Fees/Costs (FOC 20) **MUST** be notarized. Notaries are available at the Oakland County Clerk's Office and proof of identity (i.e., driver's license, State ID) will be required.

Please be advised that this Courtroom will continue to revise the Protocol to accomplish the best practices to serve the litigants who appear in this Court.