

**Hon. Charles C. Merrell
Lewis County Supreme Court
General Trial Rules**

**NOTE: FOR 5TH JUDICIAL DISTRICT ASBESTOS LITIGATION THESE
GENERAL TRIAL RULES SUPPLEMENT THE ASBESTOS CASE MANAGEMENT
ORDER AND CASE SPECIFIC SCHEDULING ORDER.**

1. All motions *in limine* must be in writing and bear the Court's stamp indicating that the appropriate motion fee has been paid unless otherwise set forth in a scheduling order. **All motions *in limine* are due in chambers seven days prior to trial** unless there is a previous order in place. Any oral argument on motions *in limine* shall be heard at 9:00 a.m. on the day trial is to begin. The Court shall rule on said motions at the earliest time possible thereafter.
2. Trial hours will be from 9:00 a.m. to 4:00 p.m. with break for lunch. Court will start promptly so as not to cause any delay for the jurors.
3. The pleadings are to be pre-marked. Every effort is to be made to pre-mark all exhibits. Parties are directed to meet and confer with regard to proposed exhibits and stipulated facts, and if the parties agree to the admissibility of any exhibit or fact, please so indicate to the Court.
4. **The following must be provided to the Court one week before the start of trial:**
 - a. Proposed jury charges and a proposed verdict sheet are due **both in printed form and via e-mail to sasmith@nycourts.gov** (This e-mail address is not to be used for transmission of any other communications or papers or for any other purpose without prior permission of the Court.) Attorneys are directed to list the PJI section numbers and the title, as well as the text of the PJI section requested **in full**. If there is a request that the Court deviate from the standard PJI charge, the requesting attorney must provide a case citation. PJI charges 1:2 - 1:41 generally form part of the Court's "boiler plate" charges and need not be requested.
 - b. The names of expert witnesses and areas of expertise and copies of all expert disclosures; and
 - c. Copies of all deposition transcripts of the parties and copies of all transcripts of deposition of all such non-party witnesses that the attorneys reasonably expect to use at time of trial.

5. If any videotape is to be used, the attorneys must provide the videotape, accompanied by a transcript of the testimony contained therein, with those objections that the attorneys request the Court to rule upon noted with highlighter and post-it tabs. **The transcript with noted objections shall be submitted at least forty-eight hours prior to the witnesses' expected testimony.**
6. If any deposition transcripts are to be used at time of trial, the attorneys are directed to consult amongst themselves prior to the time of trial and shall make a good faith effort to agree upon the portions of deposition testimony to be offered into evidence without objection. The attorneys shall redact from the testimony to be read any questions and answers that are irrelevant to the point for which the deposition testimony is offered. Each party shall prepare a list of deposition testimony to be offered by it as to which there is no objection and, identified separately, a list of deposition testimony as to which objection has been raised. The parties are directed to meet and confer in a good faith attempt to resolve such objections.

If any such objections remain after the conference by and between the attorneys, each party shall submit its list of deposition transcripts to the Court, with copies to all other counsel, together with a copy of the portions of the deposition testimony as to which objection has been made **at least forty-eight hours before the testimony is to be read in evidence**. The Court will rule upon the objections at the earliest time possible after hearing oral argument by and/or having consultation with counsel.

Any relief from the above rules is only by prior Court approval, with notice to all counsel.