

Hon. Charles C. Merrell
Lewis County Supreme Court
General Trial Rules
(Effective March 15, 2019)

**NOTE: THESE GENERAL TRIAL RULES SUPPLEMENT
CASE SPECIFIC SCHEDULING ORDERS IN ALL CASES**

1. Unless otherwise set forth in a case specific scheduling order, Plaintiff's expert disclosure shall be served on opposing counsel no later than ninety (90) days before trial. Defendant's expert disclosure shall be served no later than forty-five (45) days before trial. Supplemental expert disclosure may be served by any party no later than thirty (30) days prior to trial on the consent of all parties or leave of the Court.
2. 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* shall be filed at least thirty (30) days prior to trial** unless there is a previous order in place and **made returnable ten days prior to trial**, on submission. Any oral argument on motions *in limine* shall be scheduled by the Court, if a request for oral argument is made and granted.
3. 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.
4. 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.
5. **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.) PJI charges 1:2 - 1:41 generally form part of the Court's "boiler plate" charges and need not be requested. Attorneys are directed to list all other PJI section numbers and the title, as well as the text of the PJI section requested **in full** if there is any deviation from the standard charge.
 - b. The names of expert witnesses and areas of expertise and copies of all expert disclosures, except for medical malpractice trials in which case witness identity may remain confidential; and
 - c. Copies of all deposition transcripts of the parties; and
 - d. Copies of deposition transcripts of non-party witnesses that the attorneys reasonably expect to use at time of trial; and

- e. List of proposed exhibits.
6. If deposition or videotaped testimony is to be used at trial, the attorneys are directed to consult amongst themselves prior to trial and shall make a good faith effort to agree upon the portions of testimony to be offered into evidence without objection.

If any objections remain unresolved after the conference by and between the attorneys, the proponent of the testimony shall submit the deposition transcript(s) to the Court, with copies to all other counsel, delineating the portions of the deposition testimony to be offered, **at least three days before the testimony is to be read in evidence.** The transcripts are to be highlighted in the margins to show the testimony proposed to be read with any objections marked with a different color. A list of objections shall be submitted with a brief (one sentence) statement of the basis for each objection. The non objecting party may submit a brief statement in reply as to why the objection should be overruled. 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.