



## Judge Geoffrey L. Neithercut Policies & Procedures

Judicial Secretary: Mary Foust  
Law Clerk: Steven Ellis  
Courtroom Location: 3<sup>rd</sup> floor  
Phone: 810. 257-3238  
Court Clerk: 810.768.7936  
Transcript Request Line: 810.424.4454

### Judicial Procedures and Practice

#### **MONDAY MATTERS:**

8:45 a.m.	Miscellaneous Civil Motions
9:30 a.m.	Summary Disposition Motions
11:00 a.m.	PPO Motions
1:15 p.m.	Criminal Pretrials
2:30 p.m.	Criminal Motions
3:30 p.m.	Driver's License Restoration Hearings

**ADJOURNMENT OF MOTIONS:** Contact judicial office, by telephone call. Motions are not adjourned without date. Only moving party may adjourn. Two adjournments are allowed without re-noticing (civil motions).

**SUMMARY DISPOSITION MOTIONS:** Must be filed and heard prior to case evaluation. These motions are heard on Mondays at 9:30 a.m. The date for hearing must be scheduled through the Judge's office with either the secretary or the law clerk. Judge copies must be provided to law clerk and are not to exceed the 20 page limit pursuant to MCR 2.119 (A)(2).

**CIVIL PRE-TRIALS:** Scheduled and conducted by Judge Neithercut's secretary, Mary Foust. Pre-trials are conducted by telephone per instructions attached to the notice. They are scheduled every 10 minutes and calls **MUST** be made at the time designated. The pre-trial order indicating cut-off dates, mediation procedure and order, a list of court approved mediators and a trial notice are prepared and sent to counsel. The case is entered into mediation and case evaluation.

**SETTLEMENT CONFERENCES:** Not routinely scheduled. Counsel may request a settlement conference and the Judge will order a settlement conference on some cases.

**JURY AND NON-JURY CIVIL TRIALS:** All are scheduled for the first Tuesday of the term. However, some cases may be scheduled during the second or third week of the term due to conflicts. **Regardless of your case age ranking, you must be prepared for trial throughout the term.**

Motions in Limine **must be filed and heard** on or before the Monday prior to commencement of trial. Requested Voir Dire, Verdict Form, Jury Instructions, Trial Brief and Theory shall be presented to the law clerk at least three days prior to trial.

**When calling to inquire about a case, please have the case number available.**

**When submitting any pleading please comply with MCR 2.113(C)(1) (e), (f) and (g) which requires the name, business address, telephone number and state bar number of the pleading attorney; the name, address and telephone number of a pleading party appearing without an attorney; and the name and state bar number of each other attorney who has appeared in the action.**

**When submitting an Order for the Judge's signature, please specify in the entitlement what type of Order it is, pursuant to MCR 2.113(C)(1)(d).**

When submitting a Judgment that resolves the last pending claim and closes the case or an Order that disposes of the last pending claim, **these documents must state, immediately preceding the judge's signature, whether it resolves and closes the case** pursuant to MCR 2.602(A)(3).

**CRIMINAL PRE-TRIALS/MOTION CUT-OFF:** Dates are scheduled by the Judge at the initial pre-trial. A judge's copy of any motion and brief shall be provided to the law clerk upon filing. Contact the criminal division of the Genesee County Prosecutor's Office, 810-257-3232, to learn the assigned assistant prosecutor.

**SENTENCINGS:** Scheduled Tuesday through Friday at 8:30 a.m. On occasion the Judge will schedule a sentencing or two on a Monday at 3:30 or 4:00 p.m.

**VIDEO COURTROOM:** If you need to order a transcript of a court proceeding, please contact Mary Lee through the transcript request line (810) 424-4454. Alternately, parties may request copies of a CD through the Genesee County Clerk's Office, in person. A fee of \$30.00 per CD will be charged for reproduction to cover the cost of the CD, staff time and machine maintenance. Fees are paid to the Circuit Court Clerk, Legal Division. All checks should be made payable to the Genesee County Clerk.

**JUDGE'S ALTERNATE:** When Judge Neithercut is not available for signing orders his alternate is Judge Yuille.