# Civil Practice and Trial Procedure (parts A-E)

A. **TRIAL DATE**

The Court sets a date certain for trial following the parties' conclusion of ADR efforts or resolution of all dispositive motions, whichever is later, after consultation with counsel. Attorneys must bring their schedules to the conference to avoid conflicts.

B. **ADJOURNMENTS**

Because the Court consults with the attorneys before setting a trial date, adjournments are rarely granted.

C. **STATUS CONFERENCES**

Judge Behm is available for status conferences, either telephonically, via video conference or in person, by arrangement with the Case Manager. Do not wait until an issue becomes an emergency before seeking the Court's assistance.

D. **FINAL PRETRIAL ORDERS**

The Final Pretrial Order must be submitted electronically through CM/ECF on or before the date set by the scheduling order.

Counsel is directed to consult and comply with Local Rule 16.2 governing the Joint Final Pretrial Order.

The proposed Final Pretrial Order shall strictly comply with the requirements of Local Rule 16.2.

Pursuant to Local Rule 16.2(b)(9), any objection based on foundation or authenticity will be deemed waived if not raised before trial.

E. **FINAL PRETRIAL CONFERENCE ATTENDANCE**

The following persons shall personally attend the final pretrial conference:

1. Trial counsel for each party;
2. All parties who are natural persons;
3. A representative on behalf of any other party who has full settlement authority for the party;
4. A representative of any insurance carrier that has undertaken the prosecution or defense of the case and has contractually reserved to itself the ability to settle the action.

Representatives must possess full authority to engage in settlement discussions and to agree upon a full and final settlement. The personal attendance requirement is not satisfied by (1) trial counsel professing to have full authority on behalf of the client or (2) a party being available by telephone, unless the party has obtained prior permission from the Court. The Court will generally only grant such permission upon consent of counsel for all parties.