

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH

CIVIL DOCKET CONTROL PROCEDURES

Pursuant to Virginia Code § 8.01-4, the following docket control procedures are adopted for this Court.

1. These docket control procedures will apply to all cases pending on the civil docket of this court, unless otherwise indicated herein.
2. The court expects counsel and pro se litigants, when applicable, to cooperate with the court so that matters may be set for trial in a timely fashion and the court may function in an efficient and fair manner. Should the court detect a lack of cooperation with the letter and, more importantly, the spirit of these rules, it will feel free to deal with the offending parties.
3. All parties to law cases will select a trial date by mutual agreement no later than sixty (60) days following the time the parties are at issue upon the pleadings. The parties may contact the docket clerk to establish the date on the court's calendar.
4. Following the selection of a date, a scheduling order in the form provided by Rule 1:18 of the Rules of the Supreme Court of Virginia shall be prepared (unless counsel agrees to the use of a different format). The scheduling order shall be endorsed by all parties or their respective counsel and shall, to the extent applicable, contain provision for all of the matters provided in the Rule 1:18 form.

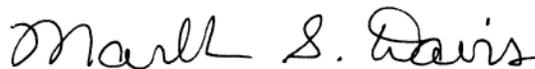
5. Unless the parties agree otherwise, all dates contained in Rule 1:18 shall be applicable, but under no circumstances will the parties agree to cut-off dates that are calculated to create unworkable time scenarios that may create a request for a continuance. Parties are also notified that they may, by mutual agreement, vary the dates in the scheduling order; however, they are warned that should some problem or disagreement arise the court will enforce the terms of the order. Should unforeseen circumstances occur, parties should apply to the court for an amended order.
6. If disputes arise, parties shall immediately schedule a hearing before the duty judge; or, if the case has been assigned, with the assigned judge.
7. If any case involves complex issues or is anticipated to take more than two consecutive trial days, the parties shall contact the chief judge of the court and advise him of the pendency of the case. Plaintiffs in such cases are encouraged to notify the chief judge as soon after filing as practical, but no later than ten (10) days following the receipt of the initial responsive pleadings. If the court determines it to be appropriate, a specific judge may be assigned to preside over all subsequent proceedings in the case.

The court considers all FELA, Jones Act, medical malpractice, tort actions involving numerous

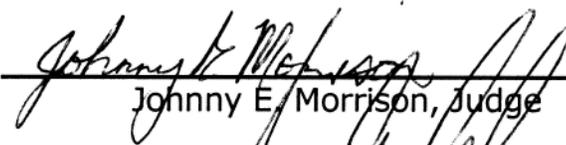
**filings against common defendants, class actions
and matters involving novel legal issues to be
complex cases.**

8. Civil appeals from the General District Court shall be exempt from these rules if both parties appear pro se. In these matters the court will schedule the matter for mediation, and notify the parties, and if necessary, establish a trial date.
9. These rules will apply to the extent practical to certain matters in equity litigation where a trial before the court is to occur. Matters typically referred to a Commissioner in Chancery (partition, tax sales of land, etc.) are not subject to these rules. Matters involving divorce are governed by separate docket control procedures. If there is a question as to whether a scheduling order is required, parties should seek guidance from the Chief Judge or Duty Judge.

ENTER: 1 / 22 / 2007



Mark S. Davis, Chief Judge



Johnny E. Morrison, Judge



James A. Cales, Jr., Judge



Dean W. Sword, Jr., Judge



James C. Hawks, Judge