

# LOUDOUN COUNTY CIRCUIT COURT RESUMPTION OF OPERATIONS PLAN AND ORDER

## I. CIVIL CASES

The Court will hear trials on Monday, Tuesday, and Wednesday of each week. All properly scheduled matters will be heard in-person.

Nothing in this resumption of operations plan dispenses with parties' obligations to comply with Rule 4:15(b) of the Rules of the Supreme Court of Virginia.

**TRIALS:** Trials will commence at 10:00 a.m.

## II. CIVIL SCHEDULING PROCEDURES

- A. PHONE SCHEDULING (571-258-3708):** scheduling of civil trials will occur every Monday and Tuesday at 9:00 a.m. by the filing of a Civil Phone Scheduling *Praecipe*. Other matters may be scheduled without the need for a Civil Phone Scheduling *Praecipe* if authorized by the Court. If any Monday or Tuesday fall on a recognized holiday, or other date that courts are closed, phone scheduling will not occur.

The Civil Phone Scheduling *Praecipe* approved by the Court is attached to this Resumption of Operations Plan and Order ["The Plan"] and will be available at the Clerk's Office and on the Clerk's Office website. A Civil Phone Scheduling *Praecipe* must be filed with the Clerk at least seven (7) days prior to scheduling.

**All civil scheduling is conducted by telephone at the following number: 571-258-3708.** Counsel and self-represented parties are expected to call in and remain in the telephone queue until their call is answered. Except for Protective Order cases, the parties must be on the phone together prior to calling the scheduling docket. If, after reasonable notice, a party fails to participate in phone scheduling, the matter may be scheduled in their absence.

There is no in-person civil scheduling docket.

**B. CIVIL MOTIONS:** civil motions dockets will be heard on the **first, third,** and **fourth** Friday of each month according to the following schedule:

|                   |  |   |
|-------------------|--|---|
| <b>9:00 a.m.</b>  | Uncontested Motions, Agreed Orders<br>& Returns on Rules to Show Cause | <b>– 2 minutes</b>                        |
| <b>10:00 a.m.</b> | Contested Non-Domestic<br>Relations Motions                            | <b>-20 minutes</b>                        |
| <b>2:00 p.m.</b>  | Contested Domestic Relations Motions<br>Pendente Lite Motions          | <b>-20 minutes</b><br><b>- 30 minutes</b> |

The Court in its discretion may remove and specifically set any motion that, in its judgment, requires a lengthier hearing. Due to volume, the Court may, *sua sponte*, reassign a motion to the next available docket.

**C. DOCKETING OF CIVIL MOTIONS:** civil motions shall be docketed by use of a Civil Motions *Praecipe* filed at least fourteen (14) days prior to the scheduled motions hearing date. The *praecipe* approved by the Court is attached to this Plan and will be available in the Clerk’s office and on the Clerk’s office website.

All civil motions are to be placed on a Civil Motions Docket. Except as noted below for *pendente lite* motions, all motions are expected **not to exceed** 20 minutes. Should either party believe argument on the motion will exceed 20 minutes, a time estimate should be noted on the Civil Motions *Praecipe*. Motions exceeding 20 minutes may be heard on the Civil Motions Docket, or may be specially set, in the discretion of the presiding judge. To provide all parties an equitable opportunity to file and argue motions, a movant is limited to one motion per case on a given Civil Motions Day, unless otherwise authorized by the court.

**D. MOTIONS:** a motion shall concisely set forth the facts relied upon, and the relief requested (i.e., no authority). The motion shall be filed at least 14 days prior to the scheduled motions day. A brief shall accompany a motion. If the motion is contested, a response to the motion shall be filed at least 7 days prior to the scheduled hearing.

- E. PENDENTE LITE MOTIONS:** *pendente lite* hearings are for support only, not for child custody and parenting time (i.e. visitation) disputes. Final custody and visitation hearings receive priority on the Court's docket.

In addition to the briefing requirements above, the parties shall exchange at least seven days prior to the hearing, but not file with the Court, their exhibits, intended to be referenced at the *pendente lite* hearing. The exhibits shall be provided to the Court immediately prior to the *pendente lite* hearing. Exhibits exchanged for *pendente lite* hearings shall include, as applicable, a party's most recent W2 or 1099, the last two pay statements, evidence of periodic health insurance paid on behalf of the child(ren), evidence of work-related childcare expenses, an income and expense statement, and a complete proposed support guideline worksheet. Exhibits that are not timely exchanged may not be considered.

*Pendente lite* hearings are allocated 30 minutes as follows:

- (a) moving party and responding party proffered testimony (5 minutes per side);
- (b) cross-examination of the proffered testimony (5 minutes per side);
- (c) questions from the Court, review of exhibits, and ruling (10 minutes).

The time limits herein will be strictly enforced. Parties are strongly encouraged to file written stipulations as part of their exhibit filings.

- F. MOTIONS TO COMPEL:** In all motions to compel, and oppositions thereto, the parties shall file an excel-type spreadsheet ("The Spreadsheet"). The Spreadsheet shall identify at a minimum:

- (a) the verbatim interrogatory, document request and/or request for admission at issue;
- (b) the responding party's verbatim answer and/or objection;
- (c) a summary of the moving party's basis for requesting an order to compel.

The Spreadsheet shall be filed with the motion at least 14 days prior to the hearing. An Opposition Spreadsheet shall be filed at least 7 days prior to the hearing. Parties are strongly encouraged, but not required,

to file a Joint Spreadsheet fourteen (14) days prior to the hearing. The Spreadsheet requirement shall take the place of the briefing requirement above.

- G. RULES TO SHOW CAUSE:** a Rule to Show Cause shall be docketed by filing a Civil Motions *Praecipe* for any civil motions docket at 9:00 a.m. This first return date shall be for status and/or scheduling.
- H. GUARDIAN AD LITEM REPORTS:** a *Guardian Ad Litem* report in any guardianship, conservatorship, or infant settlement case shall be filed at least seven (7) days prior to the hearing. Failure to file a *Guardian Ad Litem* report in a timely manner may result in the case being removed from the docket or rescheduled. Movants in guardianship, conservatorship, or infant settlement cases are strongly encouraged to communicate with the *Guardian Ad Litem* to ensure the report will be timely filed in anticipation of the scheduled hearing date.
- I. CIVIL TRIALS:**
- 1. TRIALS:** parties requesting a trial may schedule through the phone scheduling procedures outlined above in Section II(A).
  - 2. PRE-TRIAL CONFERENCES:** pre-trial conferences will be set at 9:00 a.m. approximately one month prior to the trial in all cases involving Equitable Distribution, any civil case expected to last longer than two days, and otherwise as may be ordered by the Court. The pre-trial conference dates will be selected at the time counsel select their trial dates when they call Phone Scheduling. The parties, and counsel who will be trying the case, are required to attend the Pre-Trial Conference.  
In any case involving equitable distribution pre-trial conferences, the parties must file, at least seven (7) days prior to the pre-trial conference, an initial joint equitable distribution schedule highlighting each entry on which the parties **disagree**. Failure to do so may cause the court to remove or continue the pre-trial conference or the trial, or impose sanctions on a non-cooperating party.
- J. EQUITABLE DISTRIBUTION TRIALS:** In any case involving equitable distribution, the parties must file, at least seven (7) days prior to trial a

final joint equitable distribution schedule highlighting each entry on which the parties **disagree**.

This requirement will necessitate cooperation between the parties. Parties in contested domestic relations cases involving grounds of divorce, child custody, equitable distribution, spousal support and/or child support may expect the Court to require post-trial transcripts and proposed findings of fact and conclusions of law cross-referenced to the trial transcripts and exhibits. Parties are urged to prepare their respective cases in anticipation of the Court ordering the above post-trial filings, to include securing a court reporter.

- K. CIVIL APPEALS:** with the exception of Protective Order appeals, in all civil cases appealed from the District Courts, the parties will be contacted by the Circuit Court Clerk's Office and given a specific date to have their appeal scheduled. All provisions of the Virginia Code relating to papers transmitted to the appellate court and service of protective orders (e.g. Va. Code 16.1-112 and 8.01-290, as amended) shall apply.

For appeals of Protective Orders hearings, once service is made on the opposing party, the Circuit Court Clerk's Office will contact the parties to schedule their appeal.

Scheduling of all civil appeals from the District Courts will be conducted by the procedures outlined in II(A) above.

### **III. CRIMINAL CASES**

- A. GRAND JURY:** the Grand Jury convenes on the second Monday of the month. Should the second Monday fall on a recognized holiday, the Grand Jury convenes on the third Monday.
- B. CRIMINAL SCHEDULING DOCKET:** criminal scheduling will occur on the Grand Jury Return Date at 2:00 p.m. by indictment, filing of a Criminal *Praecipe*, or as specially set by the Court. A Criminal *Praecipe* approved by the Court is attached to this Plan and will be available at the Clerk's Office and on the Clerk's Office website. A Criminal *Praecipe* must be filed with the Clerk at least (7) seven days prior to scheduling.

**C. BOND MOTIONS:** bond motions and bond appeals shall be filed with the Clerk and will be scheduled on the docket as priority matters.

**D. THURSDAY CRIMINAL DOCKET PROCEDURES:** criminal matters will be scheduled every Thursday as follows:

**9:00 a.m.** MISDEMEANOR APPEALS

**10:00 a.m.** PLEAS, SENTENCINGS & REVOCATIONS

**1:00 p.m.** CRIMINAL MOTIONS & SPECIALLY SET MATTERS

**1. MISDEMEANOR APPEALS:** misdemeanor appeals will be directly scheduled on any Thursday at 9:00 a.m. by the District Courts at the time of the appeal, but not earlier than 21 days and no later than 60 days after the appeal date.

No witnesses will be required to be subpoenaed on the first misdemeanor appeal date. The first date will be for discussion between parties/counsel, possible proposed agreed dispositions, and further scheduling. For misdemeanor appeals that cannot be resolved short of trial, and for efficiency of scheduling of counsel and self-represented litigants, parties are encouraged to communicate in advance regarding time estimates for trial.

**2. PLEAS:**

- a. For cases already set for trial, a party may advance a case for entry of a guilty plea by filing a Criminal Praecipe, at least seven days prior, to a Thursday Criminal Docket.
- b. For all felony guilty pleas, the Commonwealth must ensure the following are filed at least seven days prior:
  - i. a signed written plea memorandum or agreement, or guilty plea form;
  - ii. a signed detailed, written proffer of facts;
  - iii. if applicable, initialed copies of proposed amendments to warrants/indictments;
  - iv. if applicable, a waiver of indictment; and

- v. if applicable, a Certification of Compliance with the Crime Victim and Witness Rights Act (Virginia Code §19.2-11.01).

**3. SENTENCINGS & REVOCATIONS:** sentencings and revocation hearings will be docketed by the Court.

**4. CRIMINAL MOTIONS:** all motions are to be placed on the Thursday Criminal Docket at 1:00 p.m. by filing a Criminal *Praecipe*. Time estimates shall be noted on the Criminal *Praecipe*. For a contested motion, a *Criminal Praecipe*, and the corresponding brief must be filed fourteen (14) days prior to the scheduled hearing. A motion shall concisely set forth the facts relied upon, and the relief requested (i.e. no authority). If a motion relies on legal authority, a brief shall accompany the motion. Responses to contested motions shall be filed at least seven days prior to the scheduled hearing.

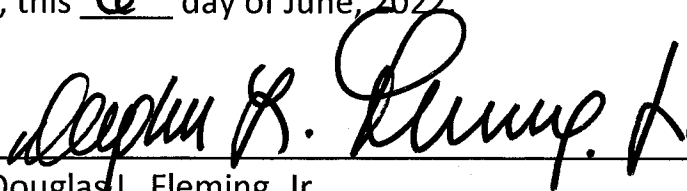
The parties may submit joint written stipulations applicable to the motion.

For existing matters that do not conform to this Plan, the parties must file an appropriate motion to continue or reschedule.

In the interest of public safety, the presiding judge has the authority to issue orders with respect to safety protocols in his/her courtroom.

This Resumption of Operations Plan and Order is effective June 6, 2022; it rescinds and replaces the Loudoun County Circuit Court First Transition Plan dated May 29, 2020 and the Loudoun County Circuit Court Second Transition Plan dated November 23, 2020.

It is so ORDERED, this 6<sup>th</sup> day of June, 2022

  
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Douglas L. Fleming, Jr.  
Chief Judge