

Appendix A

(Please note: deletions are reflected by ~~strikethrough~~ and additions are reflected by underline.)

Rule 76.1. Scheduling Conference; Scheduling Statement; Notice of Issues; Pretrial Statement.

(a) Scheduling Conference. The court may on its own, and on request of a party must, hold a scheduling conference to formulate a plan for trial, including procedures for facilitating the admission of evidence and the filing of a pretrial statements. At least one of the attorneys who will conduct the trial for each party, and any self-represented parties, must attend this conference.

(b) Timing. Unless the court orders otherwise, the parties must file:

(1) a scheduling statement 20 days before the date set for a scheduling conference, if one is set; ~~and~~

(2) a notice of issues 20 days before a trial; and

~~(2)~~**(3)** a pretrial statement 20 5 days before a trial.

(c) Joint and Separate Statements. Unless the court orders otherwise, the parties may file joint or separate statements. If preparing a joint statement, the party who initiated the action set for hearing must take the lead to prepare a draft joint statement and must communicate with every other party concerning the statement as outlined below:

(1) the party who initiated the action set for hearing must provide their outline for the pretrial statement to the opposing party 15 calendar days prior to the trial.

(2) then, 8 business days or more before the hearing, the parties shall exchange their portions so that the positions can be merged.

(3) the pretrial statement will be reviewed by both parties and filed no less than 5 business days prior to the hearing date.

Every statement must be signed by each party or counsel. However, if the parties are self-represented and there is a history of domestic violence, the parties must file separate statements.

(d) The parties may use the form of statement provided in Form 16, Rule 97. Each statement must include the information required in section (e) or ~~(f)~~(g), as applicable.

(e) **Scheduling Statement.** [no change in “scheduling statement” text]

(f) Notice of Issues. The Notice of Issues must be substantially similar to the form set forth in Form 18, Rule 97 (“Notice of Issues”). The Notice of Issues must contain a complete list of all remaining contested issues the filing party intends to present at the trial. Issues not raised previously cannot be raised for the first time in the Notice of Issues. Each party must file a separate Notice of Issues. Issues listed in the Notice of Issues are listed generally; specificity is reserved for the Pretrial Statement after the parties and/or their counsel (if represented) have met and conferred to narrow or resolve the contested issues prior to the generation and submission of the Pretrial Statement. Neither party is required to file a Notice of Issues prior to a temporary orders or other interim hearing.

~~(f)~~(g) **Pretrial Statement.** [no change in “pretrial statement” text]

~~(g)~~(h) **Attachments to the Statement.** [no change in “attachments to the statement” text]

~~(h)~~(i) **Failure to List.** A party may not present a witness or offer an exhibit during trial other than those listed and exchanged in a statement submitted before the scheduling conference or trial, unless the court orders otherwise for good cause. A party waives the right to raise an objection at the trial or hearing if the specific objection to a witness, exhibit, or claim is not raised in the statement submitted pursuant to section ~~(f)~~(g) of this rule. A party may not present an issue not listed in either party’s Notice of Issues at trial, unless the court orders otherwise for good cause.