

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PROVIDENCE, SC. SUPERIOR COURT**

**ADMINISTRATIVE ORDER NO. 2011-07**

**RE: ASSIGNMENT OF CIVIL CASES TO THE TRIAL CALENDAR IN  
PROVIDENCE COUNTY**

Effective May 1, 2011, any motion to assign a civil matter to the continuous jury trial calendar or the continuous non-jury trial calendar in Providence County, other than cases assigned to the Business Calendar or medical malpractice actions governed by Administrative Orders 2009-25 and 2009-26, must contain a certification, signed by the moving party/parties or counsel of record for the moving party/parties, in the following form:

The undersigned hereby certifies that the moving party's discovery in the within matter is substantially complete and that the moving party is ready to proceed to trial. Unless objection is served and filed at least three (3) days before the time specified for hearing the motion, the motion shall be deemed to be granted by Rule of Court. Any non-moving party's failure to serve and file an objection to this motion, as provided by the Rules of Civil Procedure, constitutes the non-moving party's certification that discovery in this matter is substantially complete and that the non-moving party is ready to proceed to trial. "Substantially complete" as it relates to this certification means that there is no outstanding discovery that will delay trial when the matter is reached for trial.

A Motion to Assign without certification filed in any case other than those exempted under this Order, will be deemed improper and the case will remain unassigned.

After the granting of a motion to assign, after hearing or by Rule of Court, or as further directed by the Court, a conference shall be scheduled before such

Justice(s)/Magistrate(s) of this Court as shall be designated from time to time for this purpose by the Presiding Justice.

The conference shall be conducted pursuant to Super. R. Civ. P. 16 and R.P. 2.4 and shall address the matters as set forth therein. Three (3) days prior to the scheduled date of such conference, all parties or designated trial counsel for the parties shall file with the Court, with a copy to the Justice/Magistrate designated to conduct such conference, a brief summary of the facts, contentions and/or defenses in the case, in the form as set forth in Exhibit 1 annexed hereto.

Designated trial counsel shall participate in all such conferences conducted hereunder or shall designate an attorney to appear in such counsel's place, in which case such designee shall possess sufficient knowledge and authority concerning the matter to participate meaningfully in the conference. Each party shall, in advance of the conference, confer or attempt in good faith to confer, with all other parties in the case to seek agreement regarding the matters to be addressed at the conference. Any party failing or refusing to participate in conference(s) conducted under this order in a good faith and meaningful manner may be subject to sanctions. Upon the conclusion of the conference, the matter shall be either: (a) scheduled for trial by the Case Scheduling Office; or (b) scheduled for a settlement conference or other form of alternative dispute resolution. The Justice/Magistrate conducting the conference shall enter such scheduling or other pre-trial order(s) as deemed appropriate to the matter.

Upon a jointly filed written submission signed by all parties, the Justice/Magistrate conducting such conference may, upon good cause shown and in the exercise of her or his discretion, determine that such conference is unnecessary, or may conduct such conference telephonically if she or he deems it appropriate.

This order shall not preclude any party from requesting a scheduling conference by filing a motion on the civil motion calendar requesting that relief.

**BY ORDER OF:**

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**ALICE BRIDGET GIBNEY  
PRESIDING JUSTICE**

Dated:

**EXHIBIT 1**

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

PROVIDENCE, SC.

SUPERIOR COURT

<p>_____, Plaintiff(s)</p> <p>v.</p> <p>_____, Defendant(s)</p>		C.A. No. _____
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**RULE 16 CONFERENCE STATEMENT**

<b>I.</b>	CASE DESCRIPTION (Provide a brief description of nature of the case; provide summary of facts/contentions/defenses):	
<b>II.</b>	DISPOSITIVE MOTIONS: Are dispositive motions scheduled? When? Will dispositive motions be scheduled When?	Yes/No _____ Yes/No _____
<b>III.</b>	TRIAL WITNESSES/EXHIBITS: Number of fact witnesses at trial? How many are out of state? Number of expert witnesses at trial? How many are out of state? Have all fact witness depositions been completed? If no, which fact witness depositions must be completed? When? Have all expert witness depositions been completed? If no, which expert depositions must be completed? When? Are there agreed upon facts? Are there agreed upon contentions?	_____ _____ _____ _____ Yes/No _____ _____ Yes/No _____ _____ Yes/No _____ Yes/No _____

<b>IV. TRIAL ISSUES:</b> Are amendments to the pleadings appropriate? Will there be motions in limine? If yes, briefly describe. Number of trial days expected?	Yes/No Yes/No _____ _____
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<b>V. ALTERNATIVE DISPUTE RESOLUTION:</b> Has this case been mediated/arbitrated? If so, when? Is mediation/arbitration scheduled? If so, has the neutral been selected? Who is the neutral? What is the date scheduled?	Yes/No _____ Yes/No Yes/No _____ _____
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<b>VI. OTHER ISSUES (Describe any special circumstances, facts or unique issues particular to the parties or of assistance to the Court):</b>	
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<b>VII. CERTIFICATION:</b>  <p style="text-align: center;">The undersigned hereby certifies that he/she has read this Rule 16 Conference Statement and that the information presented herein is true and correct to the best of the signer's knowledge, information and belief formed after reasonable inquiry.</p> <p style="text-align: right;">Submitted by:</p> <p style="text-align: right;">[PARTY]</p> <p style="text-align: right;">By Its Attorneys,</p> <p style="text-align: right;">[LAW FIRM]</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">[Name] [Address] [Telephone] [Facsimile] [Email]</p> <p>DATED: _____</p>	
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