

2.4. INITIAL HEARING. -- In all matters in which a claim for trial has been filed following the entry of a pretrial order, the court may conduct an initial hearing in order to reduce the issues in dispute and to arrange a trial and briefing schedule.

No oral testimony shall be taken at the initial hearing, however, the hearing may be on the record at the discretion of the trial judge and all agreements made shall be binding. Documentary evidence, including depositions, medical affidavits, and Non-conforming Documents pursuant to Art. X, Rule 4(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing, which the parties intend to introduce at trial shall be identified or submitted to the court. All motions to compel production filed by either party in accordance with W.C.C. - R.P. 2.17 shall be heard on the record or resolved by stipulation, at the discretion of the trial judge, at the time of the initial hearing. The trial judge shall rule on any objections to the production of documents at the initial hearing. If there are any subsequent requests for production or objections raised during the course of the trial, such requests shall be heard at a time scheduled by the trial judge. The parties shall identify any witnesses whom they intend to testify before the court and provide three (3) dates upon which each witness is available to testify. The parties shall, at the request of the trial judge, designate trial counsel.

The initial hearing shall not be waived without leave of the trial judge. In the event that a party fails to appear at the initial hearing, the trial judge may enter orders adverse to the party so failing to appear and/or impose other sanctions deemed appropriate.

**Reporter's Notes. This rule is intended to assist the court and counsel in scheduling trial calendars. G.L. 1956 § 28-35-17(b) mandates that following a claim for trial, the court shall schedule an initial hearing within thirty (30) days of the date the claim for trial is filed. The decision to utilize the initial hearing is left to the discretion of the trial judge but, in those cases where the initial hearing is held, this rule sets forth the procedure to be utilized. Since counsel are expected to identify or present affidavits and other documentary evidence at the time of the initial hearing, it is anticipated that motions for protective orders filed pursuant to W.C.C. – R.P. 2.13(B)(3) will be filed and heard at the time of the initial hearing. The most recent amendments to this rule address discovery practices which have emerged in the court and allows the trial judge to expedite the discovery process and move the matter to trial as soon as practicable.**