

Form 17
COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

_____: Division

Docket No: _____

_____, Plaintiff)

v. _____)

PRE-TRIAL NOTICE AND ORDER

_____, Defendant)

The above-entitled action is set for a pre-trial conference before a Justice of the Probate and Family Court on _____ at _____

It is the Order of the Court that:

Prior to pre-trial conference counsel and parties shall meet and shall confer in person with each other. Each counsel must exchange with each other prior to the conference and file with the court at the time of pre-trial a memorandum setting forth:

- A. A comprehensive written stipulation of all uncontested facts.
- B. A statement of contested issues of fact and law and progress of agreement on such, if any.
- C. Certification that all discovery has been completed; if discovery has not been completed list what remains to be done.
- D. Copies of current financial statements and any other pertinent financial data.
- E. A list of potential witnesses.
- F. A list of all exhibits which counsel intend to introduce at the trial.
- G. Depositions proposed to be used as evidence to be read into the record. Use of depositions at the trial is subject to the provisions of Mass. R. Dom. Rel. P. 32.
- H. Stipulation of current value(s) and cost of all realty and personalty in issue. In the event the parties are unable to agree as to current values, counsel and parties are to submit an opinion of fair market value either themselves or by an appraiser.
- I. A realistic estimate of trial time.
- J. If there are issues of alimony and the assignment of property under Chapter 208, section 34, a written offer of proof setting forth the evidence each party intends to produce with respect to each of the factors enumerated under the statute should be filed.

If any party objects to the admissibility of any of the above listed matters, the name of the party objecting and the grounds for objection shall be set forth.

Form 17 (continued)

PRE-TRIAL NOTICE AND ORDER

At such pre-trial conference, the Court will consider the simplification of the issues, the necessity of amendments to the pleadings, the prospects of settlement, or such other matters as may aid in the trial or any other disposition of the action.

At the conclusion of such pre-trial conference, an appropriate order will be entered reflecting the action taken at such conference.

All trial counsel and parties shall attend the pre-trial conference. Failure of counsel to appear at any scheduled pre-trial conference or otherwise to comply with the provisions of this order will result in the imposition of such sanctions as the Court may deem appropriate.

If settlement is achieved prior to or at the pre-trial conference, the pre-trial conference time may be utilized for a hearing on an uncontested basis.

Dated this _____ day of _____, 20 _____.

Justice
Probate and Family Court Department