MVMCLCrRLJ 4.12
CONFIRMATION OF JURY TRIAL

Whenever a case is set for jury trial, each party is required to confirm that the case will proceed to trial by jury pursuant to this rule:

a) Deadline for written confirmation.

The confirmation must be in writing, and filed with the court by 4:00 pm on the Tuesday immediately preceding the regular jury setting, or by 4:00 pm two days prior to a special jury setting (excluding weekends and City holidays).

b) Contents

The written confirmations must be a certified or sworn statement to the court attesting to the truth of the following facts:

1) The party intends in good faith to proceed to trial by jury;

2) Each of the party's essential witnesses have been either:

   A. Personally served a subpoena for the jury trial; or

   B. Summoned by other lawful subpoena process for, and have personal knowledge of the date and time of, the jury trial; and

3) The party understands that it is directly responsible for full compliance with this rule, and it is likewise bound by the action or inaction of its legal representative to comply with this rule.

c) Courts action upon noncompliance.

In the event either party fails to timely comply with the mandates of this rule, the Court will as soon as practicable:

1) Notify the opposing party, or its legal representative, by the most recent telephone number given to the court by the party or its attorney, of the failure to comply; and

2) Notify all citizens summoned for the jury trial that the trial will not be held and the requirement of their presence has been waived. This notification will be recorded on the court's telephone by 5:00 pm the day preceding the jury trial setting, excluding weekends and City holidays.

Nothing in this provision shall be construed as waiving or excusing the presence of the parties, or its legal representatives, at the date and time which was set for the jury trial.

d) Sanction for plaintiff's noncompliance.

If the plaintiff fails to comply with this rule, then, upon motion of the defendant, the court will dismiss the case without prejudice.

Upon good and sufficient cause shown, the court may deny the defendant's motion to dismiss, or grant the motion with prejudice.

e) Sanctions for defendant's non compliance.

If the defendant fails to comply with this rule, then the jury trial will be stricken, and in its stead, the court will conduct a hearing on the failure to comply.

Furthermore, in the event the defendant fails to comply with this rule, the Court will continue trial pursuant to CrRLJ 3.3 (f).

(adopted and effective September 1, 2011)