Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 3RD JUDICIAL CIRCUIT, CHRISTIAN COUNTY

Upon recommendation of the Judges of the 3rd Judicial Circuit, Christian County, and being sufficiently advised,

The Local Rules of Practice and Procedure for the 3rd Judicial Circuit, Christian County, are hereby approved. This order shall be effective immediately and shall remain in effect until further order of the Chief Justice.

Entered this 30th day of May 2025.

Debra Hembree Lambert
CHIEF JUSTICE

LOCAL RULES OF PRACTICE
OF THE
CHRISTIAN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT

RULE 1 – CITATION OF RULES

These rules of practice may be cited as "RCCC," "Rules of Christian Circuit Court," or "Local Rules."

RULE 2 – ORGANIZATION OF CHRISTIAN CIRCUIT COURT

A. The Christian Circuit Court shall be composed of a Criminal Branch and a Civil Branch. The Criminal Branch shall have exclusive jurisdiction of all criminal cases, and the Civil Branch shall have jurisdiction of all other cases within the jurisdiction of the Circuit Court.

B. All matters within the jurisdiction of the Family Court, as defined in KRS § 23A. l 00, are not subject to these Rules and shall proceed in accordance with the current edition of the Rules of Court Practice and Procedure for the Christian Circuit Court, Family Court Division, as currently adopted or subsequently amended.

C. The Christian Circuit Court is a court of continuous session, and the Court shall consist of two numbered divisions, namely:

Division I
Division II

D. The Judges of each of the Divisions shall hear cases in both the Criminal Branch and the Civil Branch of the Court. The cases in the Criminal Branch shall be divided between the two divisions, with odd indictment numbers assigned to Division I and even indictment numbers assigned to Division II. The cases in the Civil Branch shall be randomly divided between the two divisions, as nearly equally as possible.

E. Each Judge of a Division may preside and hear and determine any case or questions in the other Division when the Judge of that Division is sick, or absent from the county, or is not available.

F. After a case has been assigned to a Division, the Judge thereof may, for any reason, transfer it to the other Division by written order. Upon such transfer being made, the Clerk will make a proper endorsement upon the Rule Docket and the record.

G. When two or more actions have been filed that may, as a matter of right or in the discretion of the Court, be consolidated and such actions are pending in different Divisions of the Court, any party to any of the actions may have any of the actions transferred to that Division of the Court in which the first of the actions was filed. The Judge of the Court may order such transfers to be made without a motion by any of the parties.

H. All eligible documents – including all pleadings, motions, and responses – shall be electronically filed by an attorney. Conventional filing is permitted for *pro se* parties and where otherwise authorized pursuant to the Supreme Court Rules.

RULE 3 – MOTIONS

A. All motions that require a hearing shall be noticed for a specific hearing date or filed in accordance with CR 78(2)/Local Rule 5.

B. Motions shall be filed not later than the close of business seven (7) days prior to the time fixed for the hearing. Any party opposing the motion shall file a written response no later than the close of business at least two (2) days prior to the time fixed for the hearing. For example, a motion set for the next available Motion Day is due by close of business on the Wednesday prior, and any responses are due by close of business on the Monday before the hearing date.

C. Supporting memoranda shall be attached or included within the motion or response at the time of filing. The supporting memoranda shall not exceed 20 pages in length (excluding exhibits and appendices) without leave of court.

D. Proposed orders shall not be tendered prior to the hearing on the motion. Where no hearing is required or the motion is filed under CR 78(2)/Local Rule 5, a proposed order may be tendered at the time the motion is ripe for decision.

E. These time limits and requirements may be waived or modified by the Court upon a showing of good cause or in the interests of justice.

RULE 4 – HEARINGS ON MOTIONS

A. Regular Motion Days are held each Wednesday at the following times:

Division I Civil Motions beginning at 9:00 a.m.
Criminal Motions beginning at 1:00 p.m.

Division II Criminal Motions beginning at 9:00 a.m.
Civil Motions beginning at 1:00 p.m.

B. When Wednesday falls on a holiday, Motion Day will be rescheduled or canceled at the Presiding Judge's discretion.

C. For a hearing that is expected to take more than 15 minutes, parties should obtain a day and time other than Motion Day. Ordinarily, no testimony will be heard on Motion Days. Special times for motions or evidentiary hearings shall be obtained by contacting the Presiding Judge's judicial assistant (Division I – (270) 889-6536; Division II - (270) 889-6537)).

D. An attorney or party who cannot be present at the time set for a motion shall immediately contact the moving attorney and attempt to establish a mutually agreeable time for the hearing of the motion. Should this prove unsuccessful, the party desiring the continuance shall immediately file a written motion for continuance and shall also alert the Presiding Judge's judicial assistant of the pendency of a motion seeking a continuance.

E. Attorneys are expected to appear at motions properly noticed or subject themselves and their clients to sanctions. Remote and virtual appearances are addressed in Local Rule 7.

RULE 5 – MOTIONS UNDER CR 78(2)

A. A movant may bring a motion under CR 78(2), which makes provisions for the determination of motions without oral hearings upon brief written statements of reasons in support and opposition.

B. The movant shall give notice that the motion is made under CR 78(2) and shall direct the attention of the opposing attorney (or party if there is no attorney) to the fact that under this local rule, the motion may be granted routinely by the Court ten days after filing unless a response is filed. The notice shall be substantially in the following form:

> The foregoing motion is submitted to the Court for decision pursuant to CR 78(2). This motion will routinely be granted by the Court in ten days unless a response is filed. Should the party opposing the motion under Rule CR 78(2) wish to have an oral hearing on the motion, he or she may so state in the response.

C. If, within ten days, a party files a response in opposition requesting a hearing, the movant shall promptly notice the motion for a hearing in accordance with Local Rule 4.

D. If a response in opposition is filed or the response does not request a hearing, the movant may then file notice that the motion is ripe for decision without a hearing.

E. A motion to set a case for trial shall not be brought under CR 78(2).

COMMENT: *It is believed that this Local Rule will simplify things for attorneys who are making fairly routine motions, such as to amend a complaint or to bring in a third-party defendant, which motions are usually routinely granted.*

The Court has found that a trial date can best be set if the attorneys are either personally present in court or have present a representative (often one of the other attorneys) who is familiar with their schedules. The Court, in consultation with the Clerk, can then best set a mutually convenient trial date.

RULE 6 – ENTRY OF ORDERS

A. In matters decided at any hearing, the Court may enter a summary order on the calendar for that day and/or direct an attorney to prepare an order and generally what it is to contain.

B. Once prepared according to the directions of the Presiding Judge, the drafting attorney shall circulate the proposed order to all opposing attorneys for acknowledgment of "Have Seen." By acknowledging the proposed order, the responding attorney is not conceding that the order is necessarily proper, but only that the order as prepared reflects the ruling of the Court. Should the responding attorney refuse or fail to sign the "Have Seen" line, the attorney submitting the order may file it with the Clerk, including in a readily modifiable format, along with a notation that the opposing attorney has declined to sign the order.

RULE 7 – VIRTUAL APPEARANCES

A. At the discretion of the Presiding Judge, a party or attorney may appear virtually, by phone, or similar remote means at a hearing. The Court presently uses the Zoom platform to host virtual appearances.

B. To appear virtually at a hearing, the attorney or party should contact the Presiding Judge's judicial assistant. When authorization is granted, virtual appearance instructions are emailed to all participants.

C. Any party or attorney seeking to offer testimony at any hearing or trial through a witness testifying virtually must file a motion to obtain authorization in advance.

D. Attorneys and parties appearing virtually are responsible for ensuring their internet connection, software, and technology are sufficient. The Court is not responsible for any issues or disadvantages caused by technology glitches or poor internet connections.

E. These requirements concerning virtual appearances may be waived or

modified by the Court upon a showing of good cause or in the interests of justice.

RULE 8 – DISCOVERY MOTIONS

Counsel has the duty to make a good faith effort to resolve any disputes which arise in the course of discovery. A motion to compel discovery, for a protective order, or for discovery sanctions may be filed pursuant to CR 26 and/or CR 37 only if counsel are unable to resolve the discovery dispute between themselves. The moving party shall attach to the motion a certification of counsel that he or she has attempted to resolve the dispute and that they have been unable to do so. The certification of counsel should detail the attempts of counsel to resolve the dispute.

RULE 9 – MOTIONS TO SET FOR TRIAL IN CIVIL CASES

A. A motion to set a case for trial shall not be brought under CR 78(2).

B. When a motion to schedule a case for trial is filed, counsel for any represented parties shall meet and confer prior to the hearing date to consider the status of the litigation, including the following:

1. the parties' estimate regarding the probable length of the trial;

2. matters to be completed prior to trial, including:

    a. limit the time to join other parties or amend the pleadings;

    b. dates for commencing and completing both fact and expert discovery;

    c. any perceived issues regarding the maximum allowable number of interrogatories, requests for admission, and depositions, if any;

    d. dates for exchanging reports of expert witnesses; and

    e. dates for supplementations under Rule 26.

3. dates to file dispositive motions;

4. the parties' estimate of the time necessary to file pretrial motions and materials, witness lists, and exhibit lists;

5. the parties' beliefs regarding the matter's suitability for mediation, a settlement conference, or another form of alternative dispute resolution.

RULE 10 – PRE-TRIAL CONFERENCES IN CIVIL CASES

A. Pre-trial conferences will generally be held in all civil cases unless the Presiding Judge feels this is unnecessary in a particular case.

B. Unless scheduled otherwise by the Presiding Judge, pre-trial conferences in civil cases will generally be held on Wednesdays during the regular Motion Day docket.

C. Unless otherwise addressed in a scheduling order, parties shall file the following by the close of business at least seven (7) days prior to the pre-trial conference:

1. Witness lists;
2. Exhibits lists;
3. Motions *in limine*;
4. Proposed jury instructions, with a modifiable Word file emailed to the Presiding Judge.

D. Pre-trial conferences shall be attended by an attorney for each party who is fully familiar with the facts and who has the authority, if any, to settle the case, to compromise any issue involved, or to agree to certain stipulations of facts.

RULE 11 – ORDER OF SUBMISSION

It shall be the responsibility of the attorneys of record, or any party not represented by counsel, to file a notice of submission on the AOC 280 Form with the Clerk and with the Circuit Court Judge, with a copy mailed to the Administrative Office of the Courts, at such time that the case, or an issue therein, has been completely briefed and all necessary evidence submitted, or the time for filing briefs and submitting evidence has elapsed and the matter stands ready for a decision by the Court.

RULE 12 – FILING DISCOVERY

A. Discovery documents consisting of interrogatories propounded under CR 33 and answers thereto, requests for production or inspection under CR 34 and answers thereto, and requests for admission under CR 36 and answers thereto shall not routinely be filed with the Court.

B. All or any portion of a discovery document may be used with any motion or with any other matter before the Court, provided that the attorney redacts private information in accordance with CR 7.03.

C. Each attorney shall be custodian of his or her discovery documents and shall present it when directed by the Court or any party or attorney involved in the proceedings. If ordered by the Court, relevant pages of discovery documents shall be filed in the record.

RULE 13 – DEPOSITIONS BY REMOTE MEANS

A party may schedule a deposition in which he or she, or any other participant in the deposition, may participate by Zoom, telephone or similar remote means. In such cases, the following terms and conditions shall apply:

A. Notice of the intent for the party or other participant to participate in the deposition by telephone or similar remote (Zoom, Teams, etc.) shall be given as part of the Notice of Deposition.

B. The Court Reporter shall be present at the same location as the deponent, unless otherwise agreed by the parties. If the parties are unable to agree regarding any of the terms and conditions of the proposed deposition by remote means, either party may seek leave of Court to clarify the terms and conditions relating to the taking of the deposition.

C. The transcript or recording of the deposition may be used for any purpose permitted by the Rules of Civil Procedure for use of a deposition.

RULE 14 – JURY TERMS

A. A jury term shall generally consist of four (4) consecutive weeks unless otherwise modified by the Court. Jury terms shall be convened in all months, except for July and December.

B. A Grand Jury will be impaneled at the beginning of each term in January, March, May, July, September and November. The Chief Judge, or at his direction the other Judge of the Circuit Court, will impanel the Grand Jury.

C. Cases scheduled for jury by trial are generally scheduled as follows:

Division I - The first two weeks of each term shall be reserved for jury trials in criminal cases, and the second two weeks of each term shall be primarily for civil cases.

Division II - The first two weeks of each term shall primarily be reserved for jury trials in civil cases, and the second two weeks of each term shall be reserved for criminal cases.

D. During months with five Mondays, the Monday and Tuesday of that week shall be available for jury trials in Division Two and Thursday and Friday

of that week shall be available to Division One.

E. The respective Presiding Judge may schedule a criminal jury trial during the other Division's trial calendar; however, the Court that is within its designated times shall have priority over the jury pool.

RULE 15 – JURY QUESTIONNAIRES

Jury questionnaires, along with the information contained therein, shall remain confidential and shall not be disclosed to anyone except the parties, attorneys of record, persons employed by the attorney of record to aid in jury selection, and court officials. Copies of juror questionnaires are usually made available to attorneys of record unless the Court determines in the interest of justice or good cause shown that the juror information shall further be restricted, in whole or in part. Any attorney or party obtaining copies of juror questionnaires must maintain them as confidential and destroy the copies within a reasonable time after the litigation is final.

RULE 16 – DISMISSAL FOR LACK OF PROSECUTION

On motion of any party or on the Court's own motion, the Court may dismiss a civil action for failure to prosecute when that action has remained on the civil docket for one (1) year or more without any step being taken which would indicate an intent to prosecute that action, pursuant to CR 41.02(1) and CR 77.02(2).

RULE 17 – FEES FOR WARNING ORDER ATTORNEYS AND GALS

The routine fee for an appointment of a Warning Order Attorney or Guardian *Ad Litem* is $75.00, payable to the Clerk with the filing of a pleading or motion seeking appointment thereof. However, the acceptance of the routine fee does not preclude the Warning Order Attorney or Guardian *Ad Litem* from filing a motion for an award of additional fees and reimbursement of costs where the circumstances so require.

RULE 18 – ATTORNEY APPEARANCES, SUBSTITUTION OR WITHDRAWAL

A. Unless the Court orders otherwise, an attorney is deemed an attorney of record by: (a) appearing in court on behalf of a party; (b) filing an entry of appearance; (c) signing a pleading, motion or other paper as attorney for a party; (d) or listing his or her name as an attorney – other than of counsel – on a pleading, motion, or other paper.

B. Leave of Court shall be obtained to withdraw as counsel after an entry of appearance has been made. Such leave can only be obtained by a motion served on the client and other parties and properly noticed for hearing under either Local Rule 4 or Local Rule 5.

C. Substitution of counsel may be accomplished by a notice signed by the

withdrawing counsel and the entering counsel.

RULE 19 – LOCAL RULE ON MEDIATION

Mediation is encouraged, and upon motion, the Court may order mediation. Unless agreed by the parties or ordered by the Presiding Judge, the Model Mediation Rules, as currently adopted or subsequently amended by the Supreme Court of Kentucky, shall be applicable as the default mediation rules.

RULE 20 – MASTER COMMISSIONER PRACTICE

Rule 20.01 – References to Master Commissioner

References shall be made to the Master Commissioner as provided by the Rules of Civil Procedure, by the Kentucky Revised Statutes, by these Rules, or by Court order in individual cases. All motions seeking an order of reference to the Master Commissioner shall be served on the Master Commissioner pursuant to CR 5.02. If such motion is seeking an order of sale it shall be accompanied by AOC Form 141.S or 141.SP, together with the administrative fee prescribed by the Administrative Office of the Courts. The administrative fee is payable to the Circuit Court Clerk.

Rule 20.02 – Time and Place of Sales

1. Time: Every Monday at 11:00 a.m., except on holidays.

2. Place: Christian County Courthouse,
   511 South Main Street
   Hopkinsville, Kentucky

Rule 20.03 – Orders of Sale

All orders of sale shall be examined and approved by the Master Commissioner prior to entry by the Court. Orders of sale should contain a blank certificate similar to the certificates described in Local Rule 13, to be signed by the Master Commissioner as "Have Seen and Approved." An approval by the Master Commissioner is his certification that said order complies with the Kentucky Revised Statutes, the Rules of Civil Procedure and with the Rules of the Christian Circuit Court.

A. Orders of sale of property shall contain:

1. A complete caption setting forth the names of all parties to be bound by the judicial sale. Abbreviations such as *"etc."* or *"et al."* should not be used.

2. A legal description of the property sought to be sold, together with the

source of title of the present owner or owners.

3. The address of the property sought to be sold or, if it is true, a recitation of the fact that the property has no address.

4. The dollar amount of the judgment on a day certain, together with the daily amount of accruing interest thereafter (if the Order of Sale is for the purpose of enforcing a judgment for money).

5. The name and address of all attorneys and *pro se* parties who have appeared in the action.

B. Orders of sale may contain special conditions of sale, such as:

1. Property to be sold on site, if good cause exists for doing so.

2. Specific combinations of property containing multiple tracts.

3. Special advertising in addition to the three weekly notices required by law.

4. Directions for the Master Commissioner to employ an auctioneer, if good cause exists for doing so.

C. Orders of sale shall not contain a specific date that the property is to be sold.

Rule 20.04 – Sale Notices

A party seeking a Commissioner's sale should contact the office of the Master Commissioner for a specific sale date.

The Master Commissioner shall prepare all sale notices and deliver them to the *Kentucky New Era* for three weekly insertions. A copy of all sale notices will be served on each party who has appeared in the case as well as all taxing authorities. The Master Commissioner also posts all sale notices on the website www.christiancountymastercommissioner.com.

Rule 20.05 – Cancellations

Sales may be cancelled at any time up to 11:00 a.m. on the day of the sale. Cancellations may be accomplished by:

1. A fax, letter or email from the party seeking the sale;

2. Informing the Master Commissioner of a pending bankruptcy in which one or more of the property owners is the debtor; OR

3. An order of the Court.

Rule 20.06 – Costs of Sale

The party seeking a sale shall pay the costs of appraisals and advertising prior to any advertising of the sale. These costs shall be reflected on the Commissioner's Report, showing a credit for their having been paid. The Commissioner's fee, direct expenses and any other costs shall be paid out of the proceeds of the sale when the property is purchased by a third party.

When the property is purchased by the party seeking the sale, such party shall pay the Commissioner's fee, direct expenses and any other costs prior to the Master Commissioner delivering a deed to the property.

Rule 20.07 – Preparation, Filing and Service of Documents

The Master Commissioner shall normally prepare the following documents in connection with any judicial sale: Sale Notice; Commissioner's Report of Sale; Commissioner's Bill of Costs; Order of Confirmation; Order of Distribution and Commissioner's Deed. When the facts of a particular case render it necessary or desirable that a party prepare any of these documents, the original documents shall be filed with the Master Commissioner.

All motions concerning any matter referred to the Master Commissioner shall be served on the Master Commissioner as if he were a party who has appeared in the action.

The Report of the Master Commissioner shall be deemed a motion that said report be confirmed. Unless an exception to such report is filed within ten days following the filing of the report, the Court shall enter an Order of Confirmation upon its tender by the Master Commissioner.

When property is purchased by a person not a party to the action, all subsequent motions and reports concerning confirmation of the sale (including exceptions to the Commissioner's Report) shall be served on the purchaser in accordance with the provisions of CR 5.02.

Rule 20.08 – Bonds

If a bond is required of the purchaser, the Master Commissioner shall oversee its execution by both principal and surety on the day of the sale.

Unless the Court otherwise directs in the Order of Sale, or the Master Commissioner determines it is necessary in a particular case, no bond shall be required of a purchasing creditor seeking to enforce its mortgage or lien on the property.

Rule 20.09 – Assignments

Any purchaser making an assignment of its bid to another entity shall file same with the Clerk, setting forth the nature of the assignment together with the name and address of the assignee. All such assignments shall contain a certificate of service, in accordance with CR 5.03, showing that a copy has been sent to the Master Commissioner.

Rule 20.10 – Tax Lien Sales

In actions brought to enforce tax liens all tax liens on the property are afforded equal priority. In those instances where the sale price is not sufficient to satisfy all outstanding tax liens, the proceeds shall be paid as follows:

1. The Master Commissioner's fees and costs.

2. Reimbursement of advertising and appraisal costs, or any other costs of the sale, to the party who advanced them.

3. Pro-rata distribution to all lien holders.

Rule 20.11 – Payments

The Master Commissioner shall pay out funds in accordance with the provisions of orders of confirmation, orders of sale and judgments. In instances where funds need to be paid out and there is no order that authorizes such payment, the Master Commissioner shall obtain an order from the Court prior to making any distribution. Payments may also be made without additional court orders for:

1. Refund of selling costs previously advanced by the party seeking the sale in the event of an overpayment due to a canceled sale.

2. Appraisal fees and advertising costs actually incurred in a case where the sale is cancelled.

3. Locksmith charges actually incurred in instances where the Master Commissioner needs to have access to the property, and where the sale is cancelled.

RULE 21 – EFFECT ON PRIOR LOCAL RULES

Prior local rules heretofore adopted by the Court are deemed superseded by the adoption of these Local Rules.

RULE 22 - APPLICABILITY OF OTHER RULES

In all instances, Kentucky law and procedural requirements – including the Kentucky Rules of Civil Procedure, Rules of Criminal Procedure, and Rules of Appellate Procedure – shall control matters not covered by these Local Rules or in the event of any discrepancy.

Approved by unanimous consent of the Christian County Bar Association on the 30th day of August 2024. Presented to the Kentucky Supreme Court Honorable Laurance B. VanMeter, Chief Justice, presiding, this 30th day of August 2024 by:

ANDREW C. SELF, JUDGE
CHRISTIAN CIRCUIT COURT, DIV. NO. I

JOHN L. ATKINS, JUDGE
CHRISTIAN CIRCUIT COURT, DIV. NO. II