Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF COURT PRACTICE AND PROCEDURE FOR THE 48TH JUDICIAL CIRCUIT, FRANKLIN COUNTY

Upon recommendation of the Judges of the 48th Judicial Circuit, and being otherwise sufficiently advised,

The Local Rules of Court Practice and Procedure for the 48th Judicial Circuit, Franklin County, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 29th day of June 2021.

CHIEF JUSTICE JOHN D. MINTON, JR.

COMMONWEALTH OF KENTUCKY
48th JUDICIAL CIRCUIT
FRANKLIN COUNTY
RULES OF COURT

RULE 1: DEFINITIONS

The following definitions apply for the purpose of these Rules:

1.01 Court: Division I or Division II of the Franklin Circuit Court, either individually or collectively; "Court" in these Rules does not include Division III (Family Court).

1.02 Clerk: the Franklin Circuit Court Clerk.

1.03 Judge: a judge from either Division I or Division II of the Franklin Circuit Court, unless otherwise indicated.

1.04 Party: either counsel or client, or both, in a respective party, unless otherwise indicated.

RULE 2: ORGANIZATION OF THE FRANKLIN CIRCUIT COURT

2.01 The Franklin Circuit Court is a court of continuous session and consists of three (3) divisions. Divisions I and II hear criminal felony cases and civil actions satisfying the jurisdictional amount in controversy. In addition, Divisions I and II have appellate jurisdiction under KRS Chapter 13B. Division III is the Family Court of Franklin County and is governed by a separate set of rules.

2.02 The Chief Circuit Judge shall appoint one (1) Master Commissioner. The Master Commissioner shall serve all three (3) divisions of the Franklin Circuit Court for a term of four (4) years, or until further order of the Chief Circuit Judge.

2.03 The Court is a video court. All hearings where evidence is taken shall be recorded. If the party or parties so request, any other hearing may be taped. Copies of these tapes may be obtained for a fee from the Clerk. Parties may use an additional court reporter at their own provision and expense.

RULE 3: SESSIONS

3.01 Civil Motion Hour for both Divisions I and II is held in the courtroom each Monday and Wednesday, beginning at 9:00 a.m. At the discretion of the Judge, a party may appear by Zoom. All parties for an individual case must agree to appear by Zoom and shall contact the Judge at least five (5) days prior to the hearing for

permission. At the discretion of the Judge, the Judge may, on his or her own, order a hearing to take place via Zoom.

3.02 Criminal Motion Hour is held in the courtroom beginning each Friday at 9:00 a.m. for Division I and 10:30 a.m. for Division II.

3.03 The Court shall be closed on the following holidays, subject to the polices of the Kentucky Administrative Office of the Courts:

New Year's Day	Martin Luther King Jr. Day
Spring Holiday (half day)	Memorial Day
Independence Day	Labor Day
Presidential Election Day	Veteran's Day
Thanksgiving Day	Christmas Day

An additional day is allocated for Thanksgiving, Christmas, and New Year's.

RULE 4: MOTIONS

4.01 Parties shall file notice, motions, and copies with the Clerk at least five (5) business days before the date of a hearing. Parties shall attach supporting memoranda to the motions at the time of filing. The Court has discretion to grant a party leave to file memoranda later than the date for filing. Parties must file their responses to memoranda one (1) business day before the hearing.

4.02 Supporting memoranda to motions shall not exceed twenty (20) pages in length (excluding exhibits and appendices) without leave of Court.

4.03 All motions that require a hearing shall be noticed for a specific hearing date.

4.04 All motions that involve real property shall be noticed for a specific hearing date.

4.05 Parties that need a hearing outside of the Court's Civil Motion Hour shall contact the Judge's staff to schedule the hearing. At its direction, the Court may schedule a hearing for outside of Civil Motion Hour.

4.06 If a party who has been served with notice and motion is unable to attend the assigned hearing date, that party shall promptly notify the serving party, serving counsel, and the Clerk. If the parties agree, they may have a continuance by the Court to either the same day the following week or another time to which the

parties agree. However, after one continuance, a party must show good cause to the Court why more time is needed in order to obtain any additional continuances.

4.07 In matters where the Court has appellate jurisdiction, once both the appeal and the answer to the appeal are filed, it is the responsibility of the parties to ensure proper motions for the briefing schedule are submitted to the Court.

RULE 5: ASSIGNMENT OF CASES

5.01 When either the filing of an original complaint commences a civil action or the Grand Jury returns an indictment in a criminal action, the case shall be assigned to a division of the Court. The Clerk will determine assignment by lot.

5.02 Upon assignment, the Clerk shall stamp or write the division number on the complaint or indictment, and shall indicate the proper division on all documents filed in that action. Thereafter, it is the responsibility of the parties to indicate the correct division on all subsequent pleadings tendered to the Court.

5.03 Each Judge of any of the three (3) divisions of the Franklin Circuit Court may hear questions or cases in any of the other divisions of the Franklin Circuit Court, when the Judge of the assigned division is ill, absent, disqualified, or otherwise unavailable.

5.04 Upon motion of the Court or a party, and if both Judges involved agree, an action may be transferred from one division of the Court to the other. Once transferred, the Clerk shall properly endorse the transfer.

RULE 6: ARRAIGNMENTS

6.01 The Clerk shall assign an arraignment date when an indictment is returned by the Grand Jury.

6.02 After an arraignment, the Court shall assign pretrial and trial dates. The Court shall include those dates in the arraignment order.

RULE 7: PRETRIAL CONFERENCES AND SETTLMENT CONFERENCES—CIVIL ACTIONS

7.01 At least five (5) business days prior to any pretrial or settlement conference, each party shall file with the Clerk and serve on all other parties:

(a) the facts and legal authority the party contends entitles it to the relief sought, or which constitutes a defense to each claim asserted against that party (in whole or in part);
(b) all items and amounts of both general and special damages claimed by that party, along with any supporting documentation, evidence, and calculations; and
(c) a description of the nature and extent of the injury claimed, along with supporting documentation, evidence, and calculations.

7.02 The Court has discretion to order settlement conferences in civil actions. All clients and principals shall attend. Where an insurer is defending, either a representative of the insurer or counsel with full settlement authority shall attend. Failure to attend may result in sanctions pursuant to 14.03(d) of these rules.

RULE 8: JURY TERMS

8.01 The Court shall convene a Petit Jury during the months of January, May, and September for a term of four (4) months. The Chief Circuit Judge may order these terms extended or restricted.

8.02 The Court shall convene a Grand Jury during the months of January, May, and September for a term of four (4) months.

RULE 9: ENTRY OF ORDERS AND JUDGMENTS

9.01 Counsel shall make the notation "Have Seen" on any judgment or order before the signature of the Court or entry, in all cases where the Court has directed counsel to tender an order.

9.02 Any party who tenders an order shall include a distribution list with the name and address of each party who is to receive a copy of the order. Envelopes must be from the Clerk. Returned mail must come back to the Clerk.

RULE 10: DEFAULT JUDGMENT ORDERS

10.01 A party who tenders a default judgment order shall include a distribution list containing the names and addresses of all parties involved. Envelopes must be from the Clerk. Returned mail must come back to the Clerk. A party shall **not** include with a default judgment anything that either states or implies that the order is also a debt collection instrument.

10.02 All motions for default judgment must be noticed for motion hour in accordance with 4.01 of these rules.

RULE 11: ORDER OF SUBMISSION

11.01 To submit a case for final adjudication a party is encouraged to complete and file AOC Form 280 with the Clerk to bring the Court's attention to submitted motions. A copy of the AOC Form 280 should also be mailed to the Judge. In the alternative, a party may file a motion to submit and notice the motion for Civil Motion Hour.

RULE 12: DISMISSAL FOR LACK OF PROSECUTION

12.01 On motion of either 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 13: MONEY ORDERED PAID BY THE COURT

13.01 The Clerk shall place into an interest bearing account any money the Court orders paid. The Clerk shall distribute this money pursuant to an order by the Court. (NOW account is interest bearing but does not pay out interest. Escrow accounts pay interest and must have a court order for each account.)

RULE 14: MEDIATION

14.01 The Court reserves the right to refer a case to mediation under terms and conditions agreed to by the parties or ordered by the Court. It is the Court's expectation that all applicable cases be mediated prior to assignment of a trial date. Mediations shall follow any applicable Rules of the Kentucky Supreme Court and/or Kentucky Rules of Civil Procedure.

These rules shall apply to all actions pending in this Court after the date of approval by the Chief Justice of the Kentucky Supreme Court.

All previous Rules of the Court are abolished.

Phillip J. Shepherd
Judge, Franklin Circuit Court Division I

Thomas D. Wingate
Judge, Franklin Circuit Court Division II

Squire N. Williams, III
Judge, Franklin Circuit Court Division III