SEE RULE 2.1 AMENDMENT ENCLOSED

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 50TH JUDICIAL CIRCUIT, BOYLE AND MERCER COUNTIES

Upon recommendation of the Judge of the 50th Judicial Circuit, and being otherwise sufficiently advised,

The attached Rules of Court Practice and Procedure for the 50th Judicial Circuit, consisting of Boyle and Mercer counties, 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 31st day of August 2023.

CHIEF JUSTICE

Local Practice and Procedure Rules of the Fiftieth Judicial Circuit

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Rule 1 Introduction and Effective Date

1.1 These Local Court Practice and Procedure Rules shall govern civil and criminal proceedings of the 50th Judicial Circuit, unless they conflict with any law of the United States or the Commonwealth of Kentucky, at any time legally adopted, in which event any such statute, law, rule, or order shall at all times prevail. All local court rules presently in effect in the 50th Judicial Circuit are hereby repealed.

1.2 These rules shall become effective on October 1, 2023, subject to approval by the Chief Justice of Kentucky prior to that date.

1.3 These rules may be cited "LCRP-50-Rule _____."

Rule 2 Rule Days; Motions and Motion Dockets

2.1 Except for legal holidays, and unless otherwise ordered by the Court, the regular Rule Days of the Fiftieth Circuit Court, shall be as follows:

BOYLE CIRCUIT COURT SEE RULE 2.1 AMENDMENT ENCLOSED: JULY 2, 2025

Criminal Dockets – First and Third Tuesdays of the Month
9:00 a.m./1:30 p.m.

Criminal Arraignments – Third Monday of the Month
1:30 p.m.

Civil Dockets – First Thursday of the Month
9:00 a.m. (Motion Hour)
1:30 p.m. (Pre-Trial Conferences)

MERCER CIRCUIT COURT

Criminal Dockets – First and Third Wednesdays of the Month
1:30 p.m. (Including Arraignments)

Civil Dockets – Third Thursday of the Month
9:00 a.m. (Motion Hour)
1:30 p.m. (Pre-Trial Conferences)

BOYLE/MERCER DRUG COURT – HELD AT MERCER CIRCUIT COURT

Review Days – First and Third Wednesdays of the Month
8:45 a.m.

BOYLE AND MERCER CIRCUIT COURTS – TRIALS AND SPECIAL HEARINGS

The Second and Fourth weeks of the Month are reserved for trials and/or special hearings in both Criminal and Civil Divisions.

2.2 In addition to regular Rule Days, the Court may, from time to time, set special hearing days (see above) to accommodate the state holiday schedule, the schedules of the Court or the parties, the caseload of the circuit, or other relevant considerations. Any party needing to be heard for more than ten (10) minutes on a Rule Day shall request that the Court set the matter to be heard for a special hearing.

2.3 The Circuit Clerk of each county shall keep a Motion Docket and shall docket in order all motions assigned for hearing.

2.4 All motions, civil and criminal, except those that are permitted to be filed *ex parte*, shall be filed with the Clerk of the appropriate county and served on opposing counsel by delivery no later than closing time in the Clerk's office one week immediately preceding the Rule Day upon which the motion is to be heard. If service of the motion is by mail, an additional three (3) days' notice shall be required.

2.5 Any withdrawal or remand of motions or cancellation of hearings shall be made by the filing party directly to the Circuit Judge and to the Clerk and must be by agreement of all parties.

2.6 Parties may e-mail or fax motions to the Circuit Judge prior to the hearing date for informational purposes, but e-mailed or faxed motions shall not be recognized by the Court until the original is received and entered in the record by the appropriate Circuit Clerk. This Rule in no way precludes a party from filing motions in compliance with the e-filing system. Motions filed in compliance with the e-filing protocol shall be deemed properly filed.

2.7 Any party who receives a notice of possible dismissal pursuant to CR 77.02 shall strictly comply with the notice and with the terms of CR 77.02. Failure to do so may result in dismissal of the actions without prejudice.

Rule 3 Civil Discovery

3.1 The date, time, and location for all depositions shall be scheduled by agreement of the parties. In the event of a dispute, the matter may be submitted to the Court for resolution. No depositions shall be taken on any Saturday, Sunday, or holiday, except upon prior agreement among counsel.

3.2 Without leave of the Court or unless the parties agree to a greater number, each party is limited to a total of 30 (including subparts) interrogatories and 30 requests for admissions.

3.3 Unless directed by the Court, the parties shall not file discovery requests or discovery responses in the record when exchanging the same.

Rule 4 Appearances by Counsel

4.1 Upon being retained, counsel shall forthwith file a written entry of appearance, unless counsel's entry of appearance is apparent from pleadings filed.

4.2 On pleadings and in the entry of appearance, counsel shall set forth counsel's office address, mailing address, telephone number, and e-mail address.

4.3 Once having entered appearance, counsel shall remain of record, unless relieved of responsibilities by the Court upon written motion and notice (with copy of said motion served upon the client), until expiration of the time for filing a notice of appeal after the entry of a final judgment or order. For good cause shown, the Court may permit oral motions to withdraw so long as the interests of the litigant are not adversely affected.

4.4 Unless counsel specifies otherwise on the record, an entry of appearance is considered to be a general appearance for all purposes. An entry of appearance for a limited purpose shall specify the limited nature of counsel's representation of the client.

Rule 5 Entry of Orders and Judgements

5.1 All orders and judgements of the Court shall, at the request of the Court, be prepared by counsel in whose favor the order or judgment is rendered.

5.2 In civil actions, proposed orders shall be tendered with each motion.

5.3 If such order or judgment is not satisfactory to opposing counsel, counsel shall immediately make any objections known to the Court and present that party's alternative version of the order or judgment.

5.4 In all matters taken under advisement, the Court may in its discretion direct the parties to submit proposed orders or judgments for consideration. All such proposed orders or judgments shall be submitted via e-mail to the Court in a Word (or compatible) document format, with a hard copy submitted to the Clerk. Counsel shall transmit a courtesy copy to opposing counsel. At such time that the Court becomes able to sign orders electronically, the Court may direct parties to submit proposed orders in that fashion.

Rule 6 Mediation – Civil Matters

6.1 Mediations shall be conducted in accordance with CR 99 and 100.

6.2 The parties shall agree on the time and place of mediation. The parties shall agree upon selection of a mediator and upon its costs. If the parties are unable to agree, the Court shall appoint a mediator pursuant to CR 99.05. Payment of costs shall be determined in accordance with CR 99.06.

6.3 Mediation in civil matters shall be considered settlement negotiations for the purpose of KRE 408.

Rule 7 Jury Trials

7.1 Civil and criminal jury trials in the Boyle and Mercer Circuit Court shall begin PROMPTLY at 9:00 a.m. unless by order of the presiding judge.

7.2 Unless otherwise specified, counsel shall meet in chambers at 8:00 a.m. on the day of trial to discuss preliminary matters, motions, and jury instructions. No motions shall be filed on the morning of trial without leave of the Court, which shall not be unreasonably withheld for good cause shown.

7.3 Counsel in civil actions shall comply with the terms of any Jury Trial Order or other order regarding pretrial compliance.

7.4 Counsel in criminal actions may tender proposed jury instructions at any time prior to trial.

Rule 8 Assignment of Trials – Civil Matters

8.1 At the final Pretrial Conference, and subject to the provisions of Rule 7 hereinabove, the Court shall schedule a trial date if the case is reasonably ready for trial and all other pretrial deadlines have been met. Counsel for all parties shall attend, in person, the final Pretrial Conference to resolve any and all outstanding issues and be prepared to discuss, as necessary, the factual and legal issues of the case.

8.2 When a jury trial is requested, a Jury Trial Order shall be entered by the Court directing the parties to furnish to the Court and each other at least one week prior to trial a Pretrial Compliance Statement containing the following:

1. A statement of the kind of action and a report on the status of mediation efforts;

2. Stipulations;

3. A statement of disputed issues with citation of authorities;

4. A confirmation that discovery is completed, or if not completed, the probable completion date;

5. A list of expected witnesses and brief summary of their testimony;

6. A separate list of expert witnesses and brief summary of their testimony;

7. A list of marked exhibits;

8. A list of all special damages and supporting documents; and

9. Proposed Jury Instructions.

8.3 The Court reserves the authority to tailor its trial order to fit the requirements of each case. If any such order differs in any material respect from the above, the Jury Trial Order entered by the Court in a given case shall take precedence over these general rules.

8.4 When a bench trial is requested, the Court will enter a Bench Trial Order which may contain provisions similar to the above pretrial compliance rules for jury trials. However, the Court will tailor the terms of any such order to the particulars of the case.

8.5 Except for good cause shown, failure to comply with any trial order may result in sanctions, and deviations will not be allowed to the disadvantage of the opposing parties.

8.6 All attorneys should examine their files prior to trial to ensure that all interrogatories and requests for admission have been answered and updated. Failure to furnish discovery material required by the civil rules shall result in sanctions.

Rule 9 Settlement of Cases

9.1 Parties shall notify the Court and the Circuit Clerk prior to 3:30 p.m. on the day before the case is schedule for trial if they settle a case, so jurors will not have to be summoned.

9.2 At the request of a party, the Court may schedule a settlement conference.

Rule 10 Procedure of Cases in Criminal Matters

10.1 At arraignment, all cases shall be set for a Status Hearing.

10.2 A Discovery/Reciprocal Discovery Order shall be entered at arraignment unless otherwise requested by the defendant.

10.3 Up to two additional Status Hearings may be scheduled in each criminal case following the first status hearing post arraignment. If the matter is still pending at the third status hearing, unless good cause may be shown or by agreement of the parties, the matter shall be set for

a Pretrial Conference. At said Pretrial Conference, if the case is not resolved, the matter shall be set for trial.

10.4 Felony criminal mediation is available upon mutual agreement of both parties.

10.5 Except for good cause shown or leave given, guilty pleas should be entered no later than ten days prior to trial.

10.6 The Court retains the discretion to refuse a plea of guilty pursuant to a plea agreement if a jury has reported.

Rule 11 Remote Appearances

11.1 Parties wishing to appear remotely for any civil or criminal matter shall obtain leave from the Court to appear remotely no later than three (3) working days prior to said hearing. Said leave shall not be unreasonably withheld.

11.2 For hearings on all substantive and/or dispositive Motions, especially those requiring testimony and/or the entry of exhibits into the record, all parties attending shall endeavor to appear in-person except for good cause shown.

Rule 12 Master Commissioner Sales

Practice before the Master Commissioner shall be as provided by the Administrative Procedures of the Court of Justice (AP) Part IV, the Rules of Civil Procedure, applicable Kentucky Revised States (KRS), these Rules, or by court order in individual cases.

12.1 Proposed Judgments for Orders of Sale shall be prepared by the party requesting same and in accordance with the provisions of applicable law and these Local Rules.

12.2 Judgments for Orders of Sale to be conducted by the Master Commissioner shall be submitted for his/her review with a "Have Seen" line for his/her signature, not less than five (5) days prior to any hearing before the Court.

12.3 When any order/judgment is submitted to the Master Commissioner requiring appraisal, advertisement, or sale, the party submitting the order shall deposit the amount of Two Thousand, Five Hundred Dollars ($2,500.00), with the Master Commissioner, no later than 10 days following entry of the order/judgment.

12.4 Notwithstanding the provisions of all other applicable law, Judgments for Orders of Sale shall contain the following:

A. Requirements for sale in accordance with KRS Chapters 424 and 426, et. seq.

B. Styled with the names of all parties.

C. A specific designation of all costs, liens, taxes or encumbrances to be paid.

D. That the date and time of sale shall be determined by the Master Commissioner.

E. That Purchaser shall be required to assume and pay all taxes or assessments upon the property for the current tax year and subsequent years.

F. That at the time of the sale, the successful bidder shall either pay cash or make a deposit of at least 10% of the purchase price with the balance on credit for thirty (30) days. If the purchase price is not paid in full, the successful bidder shall be required to give bond with a sufficient surety approved by the Master Commissioner prior to the sale for the unpaid balance of the purchase price. The bond shall bear interest at the rate the Judgment bears from the date of the sale until paid.

12.5 Withdrawal or abatement of any judicial sale after entry of Judgment and Order thereon shall be made by motion and Order prior to the date and time of the sale.

12.6 As of 1/1/2023, every request for sale requires entry of new AOC form 141S and payment of a $200 judicial sale administrative fee to the clerk before the master commissioner schedules a sale. See AP Part IV, eff. 1/1/23.

12.7 Master Commissioners of the 50th Judicial Circuit shall maintain their office and records of sales at the location where they regularly practice law.

Submitted by the undersigned this 31 day of Aug, 2023.

HON. JEFF L. DOTSON
CIRCUIT JUDGE, 50TH JUDICIAL CIRCUIT
BOYLE AND MERCER COUNTIES

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE AMENDMENT OF RULE 2.1 IN THE LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE 50TH JUDICIAL CIRCUIT, BOYLE AND MERCER COUNTIES

Upon recommendation of the Judge of the 50th Judicial Circuit, and being otherwise sufficiently advised,

The attached **Rule 2.1 Amendment** (Rule Day & Motion Docket Schedule) of the Rules of Court Practice and Procedure for the 50th Judicial Circuit, consisting of Boyle and Mercer counties, is 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 2nd day of July 2025.

Debra Hembree Lambert
CHIEF JUSTICE

AMENDMENT TO RULE 2.1 REGARDING
RULE DAY AND MOTION DOCKET SCHEDULES
FOR THE 50TH JUDICIAL CIRCUIT
BOYLE & MERCER COUNTIES CIRCUIT COURTS
EFFECTIVE AUGUST 1, 2025

Rule 2.1 of the Local Practice and Procedure Rules of the 50th Judicial Circuit for Boyle and Mercer Counties' Circuit Courts are hereby amended as follows and shall go into effect August 1, 2025:

Rule 2 Rule Days; Motions and Motion Dockets

2.1 Except for legal holidays, and unless otherwise ordered by the Court, the regular Rule Days of the Fiftieth Circuit Court, shall be as follows:

BOYLE CIRCUIT COURT

Civil Dockets – First **TUESDAY** of the Month
9:00 a.m. (Motion Hour)
1:30 p.m. (Pre-Trial Conferences)

Criminal Dockets – First and Third **THURSDAYS** of the Month
9:00 a.m. & **1:00 p.m.**

Criminal Arraignments – Third Monday of the Month
9:00 a.m.

MERCER CIRCUIT COURT

Civil Dockets – Third **TUESDAY** of the Month
9:00 a.m. (Motion Hour)
1:30 p.m. (Pre-Trial Conferences)

Criminal Dockets – First and Third Wednesdays of the Month
1:00 p.m. (Including Arraignments)

BOYLE/MERCER DRUG COURT – HELD AT MERCER CIRCUIT COURT

Review Days – First and Third Wednesdays of the Month
8:45 a.m.

BOYLE AND MERCER CIRCUIT COURTS – TRIALS AND SPECIAL HEARINGS

The Second and Fourth weeks of the Month are reserved for trials and/or special hearings in both Criminal and Civil Divisions.

Adopted this 2nd day of July, 2025.

Hon. Whitney Johns, Circuit Judge
50th Judicial Circuit
Boyle And Mercer Counties

Hon. Bruce Petrie, Chief Circuit Judge
50th Judicial Circuit
Boyle and Mercer Counties