

FINAL VERSION (05-05-08)

NOTICE TO ATTORNEYS WITH AUTOMOBILE CLAIMS ON THE JURY
DOCKET

Judge Baxley, our Administrative Judge for Civil Court, with the agreement of our resident judges, advises all Plaintiff's counsel that a continuance in the jury trial of a case will no longer be allowed because a UIM carrier has not been timely served notice of the claim. Counsel is expected to serve the UIM carrier when suit is initially filed; thus, there should be no delay in the trial of the case in the event the primary liability carrier tenders its limits and then withdraws from the case. This requirement shall not be allowed to prejudice the UIM carrier, however, and if service has not been effected a minimum of ninety (90) days prior to the trial of the case, if UIM counsel is not ready to proceed, the Court will require either a Rule 40(j) dismissal, or will dismiss the case without prejudice. Imposition of this rule will be delayed until July 1, 2008, to allow all pending cases to come into compliance. For all cases filed after the posting of this rule on May 5, 2008, it is expected that the UIM carrier will be served when suit is filed.