

Last amended by Order dated March 1, 2011; effective May 2, 2011.

RULES OF SUPREME COURT OF VIRGINIA
PART FOUR
PRETRIAL PROCEDURES, DEPOSITIONS AND PRODUCTION AT TRIAL

Rule 4:13. Pretrial Procedure; Formulating Issues.

The court may in its discretion direct the attorneys for the parties to appear before it for a conference to consider:

- (1) A determination of the issues;
- (2) A plan and schedule of discovery;
- (3) Any limitations on the scope and methods of discovery;
- (4) The necessity or desirability of amendments to the pleadings;
- (5) The possibility of obtaining admissions of fact and admissions regarding documents and information obtained through electronic discovery;
- (6) The limitation of the number of expert witnesses;
- (7) The advisability of a preliminary reference of issues to a master for findings to be used as evidence when the trial is to be by jury;
- (8) issues relating to the preservation of potentially discoverable information, including electronically stored information and information that may be located in sources that are believed not reasonably accessible because of undue burden or cost;
- (9) provisions for disclosure or discovery of electronically stored information;
- (10) any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after production;
- (11) any provisions that will aid in the use of electronically stored or digitally imaged documents in the trial of the action; and
- ~~(11)~~(12) Such other matters as may aid in the disposition of the action.

The court shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by

admissions or agreements of counsel; and such order when entered controls the subsequent course of the action, unless modified at the trial to prevent manifest injustice.