

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. XX-cv-XXXXX-KLM

PLAINTIFF,

Plaintiff,

v.

DEFENDANT

Defendant.

KLM CIVIL TRIAL PRACTICE STANDARDS

(revised effective June 22, 2018)

The following procedures and orders supplement the Federal Rules of Civil Procedure and the local rules of this Court. In order to fairly and efficiently try the merits of each case, the Court **ORDERS** as follows:

I. Final Pretrial Conference/Trial Preparation Conference (“FPTC/TPC”) and Jury Instructions Conference

1. Date. The FPTC/TPC will be held on [insert date and time] in Courtroom A401, Fourth Floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. Trial counsel must attend in person.

2. Deadline for filing proposed Final Pretrial Order. The proposed Final Pretrial Order is due on [insert date and time].

3. Instructions for preparation of Proposed Final Pretrial Order. The parties must use the form of proposed Final Pretrial Order available on the court’s website and as an attachment to the Local Rules, with the following changes:

- section 6(a)(3) and (b)(3) must be modified to include a statement about proposed use of *videotaped* and non-*videotaped* deposition testimony.
- section 7(b) must be deleted.

4. Jury Instructions Conference. The jury instructions conference will be held on [insert date and time]. Proposed jury instructions must be filed five (5) days in advance of

the jury instructions conference. Proposed jury instructions must be in WordPerfect or Word format and include citations of relevant authority in footnotes.

II. Pretrial Deadlines

1. Exchange of exhibit and witness lists. The parties must exchange exhibit and witness lists fourteen (14) days before the FPTC/TPC. Exhibit lists must identify all exhibits by Bates numbers. Witness lists must identify “will call” witnesses and “may call” witnesses.

2. Objections to exhibits and witnesses. Except objections to anticipated deposition testimony, the parties must file all objections to exhibits and witnesses three (3) days before the FPTC/TPC.

3. Objections to deposition testimony. Not later than 21 days prior to trial, counsel shall exchange with each other their designation of anticipated deposition and videotape deposition testimony. Plaintiff’s designations shall be highlighted in yellow and Defendant’s designations highlighted in blue. No later than ten (10) days prior to trial, counsel shall notify opposing counsel of any counter-designated deposition testimony, exchange objections to all designated testimony, and make a good-faith attempt to resolve such objections.

4. Trial briefs. The parties *may* file Trial Briefs ten (10) days before trial.

5. Motions in limine. Motions in limine are discouraged. Instead, the parties may flag evidentiary issues in their trial briefs. Motions to exclude expert testimony must be filed thirty (30) days after the rebuttal expert witness disclosure deadline set forth in the Scheduling Order.

6. Proposed findings of fact and conclusions of law. In trials to the Court, the parties must file proposed Findings of Fact and Conclusions of Law five (5) court business days before trial.

7. Special accommodations. Counsel must notify my courtroom deputy of any need for special accommodations for any attorney, party or witness, and any need for technological equipment for videoconferencing or electronic presentation of evidence no later than thirty (30) days before trial. Any request for technology training or testing should be directed to the courtroom deputy at 303-335-2104 no later than 14 days prior to the first day of trial.

8. Settlement. Pursuant to D.C.COLO.LCivR 54.2, counsel must notify the court clerk and my Chambers of a settlement before twelve o’clock noon on the last court business day before the scheduled trial date. The assessment of jury costs may be imposed as a consequence of noncompliance with this instruction.

9. Exhibit notebooks.

- A. Each party must prepare one exhibit notebook containing *original* exhibits, properly marked and tabbed, with pages of each exhibit numbered, for the witness.
- B. In addition, each party must prepare two exhibit notebooks containing *copies* of exhibits, properly marked and tabbed, with pages of each exhibit numbered. One copy is for the Court, and one copy is for opposing counsel.
- C. In jury trials, a party must provide notebooks containing *copies* of exhibits for each juror *only* if both sides agree that jurors shall be provided with them. Pages of each exhibit must be numbered. Stipulated exhibits may be placed in the jurors' notebooks prior to trial. Any other exhibit may be published to the jury for placement in juror notebooks following the exhibit's admission into evidence at trial.
- D. The witness's exhibit notebook and the Court's exhibit notebook must be delivered to the courtroom no later than the Friday prior to the commencement of trial. The exhibit notebook for opposing counsel must be delivered to opposing counsel no later than the Friday prior to the commencement of trial. Juror notebooks, if necessary, must be delivered to the courtroom no later than the Friday prior to the commencement of trial.

10. Witness lists. Three copies of each party's witness list must be provided to the courtroom deputy and one copy to opposing counsel no later than the Friday prior to the commencement of trial.

11. Exhibit lists. Three copies of each party's exhibit list must be provided to the courtroom deputy and one copy to opposing counsel no later than the Friday prior to the commencement of trial.

III. First Day of Trial

1. Discs (electronic exhibits). If a party is presenting documentary exhibits electronically, the party must prepare a disc or discs containing copies of all exhibits for use at trial. Copies of the disc or discs must be provided to the courtroom deputy and opposing counsel. Prior to closing arguments (if possible), the party must prepare a disc containing only those exhibits admitted into evidence for jurors' use during deliberations.

2. List of stipulated facts. Plaintiff must provide an original list of any stipulated facts to the court and two copies to the courtroom deputy.

IV. General Trial Information

1. Voir dire. If trial is to a jury, counsel will be permitted to conduct voir dire of potential jurors for a specified amount of time, to be determined at the Trial Preparation Conference. Accordingly, counsel should be prepared to conduct voir dire at trial as they deem appropriate.

2. Courtroom Deputy. My courtroom deputy's name is Laura Galera. She can be reached at (303) 335-2104. Any questions concerning exhibits or courtroom equipment may be directed to her. If a court reporter is available, the proceedings will be transcribed by the court reporter. If a court reporter is not available, the proceedings will be digitally recorded. Any request for transcripts should be directed to the courtroom deputy. Extraordinary requests, such as for daily copy, should be made at least 30 days in advance of the trial date.

3. Law Clerks. My law clerks can be reached at (303) 335-2770. Please do not call them about issues which are handled by the courtroom deputy, as indicated in this Order.

4. Witness salutations. At trial, all parties and witnesses must be addressed as "Mr.," "Mrs.," "Ms.," "Dr.," etc. Informal references are not permitted except when children are testifying.

5. Timing of giving of jury instructions. In jury trials, preliminary instructions will be given prior to opening arguments and final instructions will be given prior to closing arguments. The jury will receive copies of final written instructions for its deliberations.

6. Trial dates. [The Jury Trial/Bench Trial] is set to begin on [insert trial date] at **9:00 a.m.** in Courtroom A401, Fourth Floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado.

Dated: July 3, 2018

BY THE COURT:



Kristen L. Mix
United States Magistrate Judge