PRACTICE STANDARDS FOR CIVIL CASES

MAGISTRATE JUDGE MARITZA DOMINGUEZ BRASWELL

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

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I. INTRODUCTION

A. PURPOSE, AUTHORITY & APPLICATION

Consistent with Fed. R. Civ. P. 1, these Practice Standards are intended to facilitate the just, speedy, and inexpensive determination of every civil action. These Practice Standards may be modified or supplemented by orders entered in specific cases. These Practice Standards supplement, but do not replace, the Local Rules of Practice. To the extent there is a direct conflict between these Practice Standards and the Local Rules of Practice, the Local Rules of Practice control.

These Practice Standards apply to civil cases before this Magistrate Judge. However, where a District Judge is the presiding judicial officer and there is a conflict between the two sets of standards, the District Judge's practice standards will apply.

B. THE COURT'S MISSION & COURT DECORUM

The mission of the United States District Court for the District of Colorado is "to serve the public by providing a fair and impartial forum that ensures equal access to justice in accordance with the rule of law, protects rights and liberties of all persons, and resolves cases in a timely and efficient manner." The court's mission is best served when litigants treat each other with civility, and counsel are professional and kind. The court expects nothing less.

Additionally, court time is valuable for all involved. Please be prompt and prepared for any conference, hearing, or other setting. Unless told otherwise, please observe traditional courtroom decorum by rising to address the court and requesting permission to approach the bench and any witness. Even when appearing by video, you are appearing in court and should dress accordingly.

C. STATEMENT RE: ATTORNEY MENTORING & TRAINING

The Preamble to the Colorado Rules of Professional Conduct acknowledge that lawyers should "seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession." These goals are best achieved when experienced lawyers provide young and diverse lawyers opportunities to participate in judicial proceedings. "Stand up time" for young and inexperienced lawyers is critical to their development. Many of the types of hearings before magistrate judges of this court are opportune for affording "stand up time." This court welcomes the active participation of young and inexperienced lawyers, and diverse attorneys, in litigation. The court encourages seasoned lawyers to facilitate the mentoring and development of other lawyers that will enrich the legal profession and the work of the United States District Court.

II. COMMUNICATION WITH CHAMBERS

Before contacting Chambers, please review the following table carefully:

You may contact Chambers if:	**You <u>may not</u> contact Chambers if:**
These practice standards expressly direct you to contact Chambers.	You need legal advice or want someone to interpret an order or a rule for you.
You have a question that is of an administrative or logistical nature **(only contact Chambers by phone)**	You want to inquire about the Court's progress on a pending motion.
You have questions about technology, equipment needs, access to the physical courtroom. **(Please direct these questions to my Courtroom Deputy, Elizabeth Lopez Vaughan, and only contact Chambers by phone)**	You have a discovery dispute, and you have not followed the discovery dispute procedures set forth in Section VI, below.
When contacting Chambers please conduct all communications with my law clerks and our Courtroom Deputy with the appropriate level of professionalism and please instruct your staff to do the same.	

Chambers email:
Braswell_Chambers@cod.uscourts.gov[1]

Chambers telephone number:
719-575-0328

[1] All documents required to be submitted to Chambers pursuant to local rule, court order, or these practice standards, shall be submitted to my Chambers email. Please include the case number, case name, and document description in the subject line of the email.

III. SCHEDULING CONFERENCES

The parties shall file a joint Proposed Scheduling Order via the Court's Electronic Filing System ("ECF"). A copy of instructions for a scheduling order and a form Proposed Scheduling Order can be downloaded from the Court's website:

www.cod.uscourts.gov/CourtOperations/RulesProcedures/Forms.aspx

Scheduling Conferences will not be set unless: The Court determines that a Scheduling Conference is necessary for any reason; **or** one or more parties request(s) a Scheduling Conference.[2]

Pro se parties not participating in ECF shall submit their Proposed Scheduling Order on paper to the Clerk's Office. **However**, if any party in the case is participating in ECF, it is the responsibility of the participating party to submit the Proposed Scheduling Order pursuant to the District of Colorado ECF Procedures.

IV. PRE-SCHEDULING CONFERENCES

In the event the parties require the Court's assistance before filing a Proposed Scheduling Order, they can request a Pre-Scheduling Conference. Where one or more parties are *pro se*, the Court encourages the parties to request a Pre-Scheduling Conference, which can be helpful in streamlining processes.

V. JOINT STATUS REPORTS

If the Court orders the parties to submit a Joint Status Report and does not specify what shall be included, the Joint Status Report must include the following: (1) a summary of each parties' respective activities in discovery through the date of the Joint Status Report; (2) a summary of any pending discovery disputes; and (3) an update on the likelihood of settlement.

[2] If the parties request more than six months for discovery and do not provide compelling reasons for the extended timelines, the Court may set a Scheduling Conference to discuss the proposal, or it may reject the proposed deadlines and set different deadlines before entering the Scheduling Order.

VI. DISCOVERY DISPUTES[3]

Please read the following discovery dispute procedure carefully. Failure to engage in this discovery dispute procedure without leave of Court may lead to the **striking of any filed discovery motion**.

STEP 1 (Confer): The parties must meet and confer, in-person, by video, or by telephone, to discuss their dispute and seek to understand each other's positions and arguments. E-mail conferrals will not suffice. The parties will seek to resolve as many issues as possible, but to the extent they cannot reach agreement on everything, they will move on to Step 2, below.

STEP 2 (Email Chambers together): The parties shall contact my Chambers by **Joint Email**, which means all concerned parties will have conferred and reviewed the contents of the Joint Email *before* they send the Joint Email to Chambers.[4]

Your Joint Email to Chambers shall *only* set forth:

(1) the parties' conferral efforts,
(2) the nature of the discovery dispute,
(3) the specific type of motion a party would file if the Court allowed it, and
(4) three dates that work for all necessary parties to attend a morning or early afternoon informal discovery conference, should the Court decide to set one. The proposed dates should fall on a Monday, Tuesday, or Wednesday.

All counsel of record and *pro se* parties will be cc'd on the email correspondence. Parties are **not permitted** to reply to the Joint Email or send additional emails.

STEP 3 (Receive Court instruction on next steps): The Court will review the Joint Email and determine the best method for resolution. This may involve setting the matter for an informal discovery conference, ordering the parties to file a JDDR or a JDDC (see below), permitting the parties to file a formal motion, or some combination of these options. The Court will respond to the parties' Joint Email with specific direction. **If the Court orders the parties to file a JDDR or a JDDC, do not file it as a "Motion." Instead, please select the option in CM/ECF for "Brief."**

(1) Joint Discovery Dispute Report ("JDDR"). The report must address and include headings for the following sections: (1) attorneys who participated in the

[3] The discovery dispute procedure applies in any case for which I am the presiding judge by consent or the referral Magistrate Judge for purposes of pretrial proceedings, **except** in the case of *pro se* individuals who are incarcerated. In such cases, none of these dispute procedures apply and the parties may file discovery motions as necessary.

[4] In the event one party does not have access to email, the parties may contact Chambers by phone.

discovery conferral; (2) date and method of conferral, and the amount of time the parties conferred; (3) matters resolved by agreement; (4) specific matters that remain to be heard and determined; (5) the parties' respective arguments and authorities. Please keep these reports to a reasonable length.

(2) Joint Discovery Dispute Chart ("JDDC"). All positions should be submitted in one filing. Separate charts containing only one party's position will not be accepted. The JDDC should follow the following format, with references to the discovery request at issue, and case law to support the parties' position(s):

Discovery Request at Issue	**Moving Party's Position (summarized)**	**Opposing Party's Position (summarized)**
Interrogatory No. 1: Please set forth the factual basis for your contention that the Defendant breached Section III.A.1 of the Master Services Agreement.	Overly broad contention interrogatory. *Witt v. GC Servs. Ltd. P'ship*, 307 F.R.D. 554, 559 (D. Colo. 2014).	Contention interrogatory is the appropriate vehicle and is less burdensome than a Rule 30(b)(6) deposition on this topic. *Teashot LLC v. Green Mountain Coffee Roasters, Inc.*, No. 12-cv-0189-WJM-KLM, 2014 WL 485876, at *7 (D. Colo. Feb. 6, 2014). Additionally, the allegations in the Complaint are too broad to determine the basis for Plaintiff's claims and Defendants need additional information to adequately defend against the claim.

VII. MOTIONS PRACTICE

A. DUTY TO MEET AND CONFER BEFORE FILING ANY MOTION

The duty to meet and confer requires the parties to discuss the specific dispute at issue and the requested relief. **This should be done by telephone, videoconference, or face-to-face, and not solely through email or written correspondence**. Each side should provide opposing counsel a reasonable amount of time to respond prior to filing a motion. The duty to meet and confer also requires the parties to react timely and be responsive over the course of conferring. I expect all parties and counsel to take their conferral obligations seriously. If I determine that one or more of the parties or counsel did not fully meet their conferral obligations, I may deny the motion for failure to comply with D.C.COLO.LCivR 7.1(a).

B. CITATIONS, FORMATTING, PAGE LIMITS, & FILING

On cases in which I am the presiding judge, the parties should make reasonable efforts to use Westlaw citations only. All motions shall be formatted with Times New Roman 12-point font, including footnotes, double-spaced, and 1-inch margins throughout.

See the applicable section below for page limits associated with each type of motion. If these Practice Standards are silent on the page limits associated with the subject motion, the parties should presume a fifteen (15) page limit for the motion and response, and a seven (7) page limit for the reply. Page limits do not count signature blocks or certificates of service. Absent a sufficient legal reason and leave of Court, all parties represented by the same counsel are limited to a consolidated motion that adheres to the applicable page limits. A motion for leave to file excess pages should be filed at least one day prior to the filing of the motion at issue.

A response, reply, or objection shall identify by title and CM/ECF docket number the pleading to which it responds. See D.C.COLO.LCivR 7.1 and D.C.COLO.LCivR 56.1 for applicable time limits for filing responsive and reply briefs. Rule 6 of the Federal Rules of Civil Procedures controls the computation of time. **No sur-reply or supplemental briefs shall be filed without leave of court.** Page

C. MOTION TO EXTEND DEADLINES OR MODIFY SCHEDULING ORDER

The Court strives to move matters forward as best it can and generally **disfavors** motions to extend deadlines or modify a Scheduling Order. Such motions—even if filed jointly— will only be granted when the parties demonstrate that they have been diligent in their efforts during the allotted time. Motions will be denied if they do not comply with FRCP 6; D.C.COLO.LCivR 6.1, 7.1(a), and the court's Electronic Case Filing Procedures.

Joint motions to extend deadlines or modify a Scheduling Order shall not exceed five (5) pages. If disputed, such motion should not exceed five (5) pages, responses also shall not exceed five (5) pages, and replies are not permitted.

D. MOTION TO STAY

Because the Court strives to move matters forward, it also **disfavors** motions to stay discovery. Such motions—even if filed jointly—will only be granted when the parties adequately address the *String Cheese* factors and demonstrate that a stay is necessary under the applicable standard.

Joint motions to stay shall not exceed ten (10) pages. If disputed, such motions should not exceed ten (10) pages, responses also shall not exceed ten (10) pages, and replies will not exceed five (5) pages.

E. MOTION FOR A CONTINUANCE

Motions to continue (including motions to vacate or reset) hearings and trials are governed by D.C.COLO.LCivR 6.1 and 7.1, and shall be submitted in writing to the Court as far in advance as possible of the matter to be continued. Such motions should not be made at the time of a hearing or trial. Stipulations for continuance are not effective unless and until approved by the court. To be granted, such motions must show good cause.

Joint motions for a continuance shall not exceed five (5) pages. If disputed, motions shall not exceed five (5) pages, responses shall not exceed five (5) pages, and replies are not permitted without leave of Court.

F. MOTION FOR PROTECTIVE ORDER

Public access to the courts is fundamental to our system of justice. While I recognize that some cases may involve information that must be restricted, I will not grant motions to restrict that do not specifically address the factors set out in D.C.COLO.LCivR 7.2, even if the motions are stipulated. Failure to comply with Local Rule 7.2 will result in the striking of the Motion and may also result in public availability of the information and/or document(s) at issue.

Parties and counsel should meet and confer about the need for a protective order and engage in best efforts to agree on the language of the order. They should file a joint or stipulated motion that complies with the requirements of Fed. R. Civ. P. 16(c)(1), the Local Rules, these Practice Standards and those of the presiding District Judge.

The parties must **attach their proposed protective order** as an exhibit to the motion. If the parties cannot agree on the language of the protective order, they shall—in their joint motion—describe their meet and confer efforts and summarize their disagreement(s). Additionally, to the extent

practicable, the parties should set forth **in the protective order itself**, the competing language with comments in the margin to help the Court understand the disagreement(s).

A joint motion for a protective order shall not exceed five (5) pages.

G. MOTIONS IN LIMINE

The admissibility or inadmissibility of evidence often depends on the context in which the evidence is offered, therefore the Court may be unable to rule on a Motion in Limine prior to trial. However, if the parties anticipate that particular evidentiary disputes will arise during the course of a trial, the Court encourages the parties to use Motions in Limine to help the Court make more informed rulings on those evidentiary issues.

Motions in limine shall not exceed ten (10) pages, responses also shall not exceed ten (10) pages, and replies are not permitted without leave of court.

H. RULE 702 MOTIONS AND MOTIONS TO STRIKE EXPERT TESTIMONY

Unless otherwise ordered, all motions filed under Federal Rule of Evidence 702 and any motion to strike an expert on the basis of discovery violations shall be filed no later than the deadline for filing dispositive motions as set in the Scheduling Order.

These motions shall not exceed fifteen (15) pages, responses also shall not exceed fifteen (15) pages, and replies are limited to seven (7) pages.

I. DISCOVERY MOTIONS

Unless the case has been filed by a *pro se* individual who is currently incarcerated, the parties are **not permitted** to file discovery motions absent leave of court. See Section VI, above.

If a discovery motion is authorized, it should not exceed ten (10) pages, responses also shall not exceed ten (10) pages, and replies are limited to five (5) pages.

J. NON-COMPLIANCE

A "non-complying" motion, response, reply, or objection is a filing that does not conform in form and substance to the procedural, formatting, or technical requirements of applicable statutes, regulations, rules of civil procedure, local rules, and these practice standards. Motions without a certification required by D.C.COLO.LCivR 6.1E or 7.1A will be denied without prejudice *sua sponte*. Untimely or noncomplying motions, responses, replies, or objections may be denied in whole or part, or their determination may be delayed relative to compliant motions.

VIII. SETTLEMENT CONFERENCES

By electing to have me conduct a settlement conference, the parties acknowledge that I may become privy to information from the parties that I might not otherwise receive as the Magistrate Judge in the case. By proceeding with a settlement conference before me, the parties agree that my participation in the settlement conference shall not be cause to question my impartiality going forward in the event their case does not settle at the settlement conference.

Counsel are ORDERED to discuss this dynamic with their client(s), and all *pro se* parties before requesting a settlement conference, and all parties must certify in their confidential settlement statements that they or their client(s) have been advised of this dynamic and acknowledge that my participation in the settlement conference shall not be cause to question my impartiality going forward if the matter does not settle.

A. PARTY ATTENDANCE

Unless otherwise ordered, counsel shall have all parties attend the settlement conference in person, including all individually named parties and a representative of each named entity. In certain circumstances, the appearance of a party or representative by video or telephone may be approved in advance of the settlement conference. I do not permit attorneys to appear by telephone or video, unless the entire conference is being conducted by videoconference due to extraordinary circumstances.

B. FULL AUTHORITY

No person is ever required to settle a case on any particular terms or for any amounts. However, all parties must participate in the settlement conference in good faith, pursuant to Fed. R. Civ. P. 16(f). Counsel shall also have in attendance all individuals with full authority to negotiate all terms and demands presented by the case, and full authority to enter into a settlement agreement, including, but not limited to, an adjustor, if an insurance company is involved. "Full authority" means that the person who attends the settlement conference has the complete and unfettered capacity and authority to meet or pay all terms or amounts which are demanded or sought by the other side of the case without consulting with some other person, committee or agency.

If any party or party representative attends the settlement conference without full authority, fails to attend the proceeding without prior court approval, or fails to participate in the proceeding in good faith, and the case fails to settle, that party may be ordered to pay the attorney's fees and costs for the other side.

C. SETTLEMENT STATEMENTS

Counsel shall prepare and submit two position statements as set forth below, no later than five (5) business days prior to the date of the settlement conference:

(1) **Statement to Opposing Counsel.** The first statement shall be a statement to opposing counsel and all parties participating in the settlement conference. It shall contain an overview of the case from the presenter's point of view, summarize the evidence which supports that side's claims, and may present a demand or offer. These statements should be intended to persuade the opposing parties and counsel, and they are limited to ten (10) pages.

A request for additional pages should be emailed to Chambers (with a cc to the opposing party) no later than two (2) business days prior to the statement deadline. The email should specify the number of additional pages requested and explain why additional pages are necessary.

(2) **Confidential Statement to the Magistrate Judge.** The second statement is confidential and shall be emailed to my Chambers only and not submitted for filing or exchanged with the other parties. This statement shall attach the Statement to Opposing Counsel, described above, and include any confidential comments the party or counsel wishes to make. The confidential comments may include comments about the perceived weaknesses in your own case, any observations about the weaknesses in the opposing party's case, and any comments which would be helpful to me as I assist the parties in negotiating a resolution. You are encouraged to include any information that you believe supports your valuation of the case, including jury verdicts, past settlements, cost of litigation, etc.

IX. EARLY NEUTRAL EVALUATION ("ENE")

Local Rule 16.6 defines an ENE as "a nonbinding, non-adjudicative assessment of a case by a magistrate judge." I view an ENE as a process in which the parties meet separately with the magistrate judge and make *informal* presentations of material facts and evidence to obtain an oral evaluation of their positions from the magistrate judge. It is also an opportunity for the magistrate judge to address the parties directly (rather than through the attorneys) and help them understand the process of litigation and how the ultimate fact-finder might perceive the parties' respective positions.

An ENE is not mediation. The purpose of the ENE is not to attempt to settle the case. Therefore, no confidential settlement statements are prepared, and no offers and counteroffers are made or conveyed in an ENE. Rather, the purpose of the ENE is for the parties to receive a neutral evaluation of the case. That evaluation may help the parties later settle, or at a minimum, assess the relative strengths and weaknesses of their case going forward. Parties interested in seeking an ENE with this court should raise that issue at the Scheduling Conference or in the proposed Scheduling Order. All conversations with the magistrate judge during an ENE are confidential.

X. SUMMARY JUDGMENT

PROCEDURE FOR CONSENT CASES ONLY

Parties should read these procedures carefully. The purpose of these procedures is to establish facts and determine which of them are in dispute. Failure to follow these procedures may result in denial of the motion or striking of a brief or the deeming of certain facts as admitted.

- All summary judgment exhibits shall be labeled in the CM-ECF system both by exhibit number or letter **and** by name, e.g., Exhibit 1 - Smith Affidavit.
- Each party shall be limited to the filing of a single motion for summary judgment. No party may file a second motion for summary judgment without prior leave of court.
- A summary judgment motion is limited to twenty (20) pages, a response is limited to twenty (20) pages, and replies are limited to ten (10) pages.
- The parties are responsible for identifying the material facts that are undisputed and those that may remain in dispute. This will be accomplished as follows:

  STEP 1 (Movant) The moving party ("Movant") shall, in a section of their brief required by Rule 56.1(a) of the United States District Court for the District of Colorado Local Rules of Practice (Civil), set forth a "Statement of Undisputed Material Facts."

  This is a statement of each material fact which the Movant believes is not in dispute and which supports Movant's claim that Movant is entitled to judgment as a matter of law.

  The statement will be set forth in simple, short, declarative sentences that are separately numbered and paragraphed. Each separately numbered and paragraphed fact must be accompanied by a specific reference to material in the record which establishes that fact. General references to pleadings, depositions, or documents are insufficient if the referenced document is over one page in length. In some instances, parentheticals quoting from the referenced material may help the Court more quickly assess whether the reference adequately supports the response, but parentheticals are not required.

  STEP 2 (Respondent) The responding party ("Respondent") shall set forth their "Response to Statement of Undisputed Material Facts." This shall be done by preparing a statement to every single numbered paragraph. The response must begin with the word, "Admitted" or "Denied." The denials must be accompanied by a short factual explanation of the reason(s) for the denial and a specific reference to material in the record supporting the denial. In some instances, parentheticals quoting from the referenced material may help the Court more quickly assess whether the reference adequately supports the response, but parentheticals are not required.

  The Respondent shall also set forth any additional disputed questions of fact (for example, disputed facts concerning an affirmative defense). This shall be done in a separate section of the Respondent's brief styled "Statement of Additional Disputed Facts." The statements must

be set forth in simple, short, declarative sentences, separately numbered and paragraphed. Each separately numbered and paragraphed fact shall be accompanied by a specific reference to material in the record which establishes the fact or at least demonstrates that it is disputed.

STEP 3 (Movant) The Movant shall prepare its reply in support of its undisputed facts, and its response to additional facts. To assist the Court in its review of all facts, the Movant shall include that as part of an overall summary of facts prepared in the form of two tables (*see Exemplar Tables on the following page*):

(a) **Table 1** will concern the **Movant's Undisputed Material Facts**. This table will contain the Movant's initial Statement of Undisputed Material Facts, the Respondent's Response to the Statement of Undisputed Material Facts, and the Movant's reply in support of the Movant's initial undisputed facts. The reply shall be any factual reply which the Movant cares to make regarding the facts asserted to be undisputed, supported by specific references to material in the record.

(b) **Table 2** will concern the **Respondent's Additional Disputed Facts**. This table will contain the Respondent's Statement of Additional Disputed Facts, and the Movant's response to those facts. The Movant shall either admit that the fact is disputed or provide a brief factual explanation for its position that the fact is undisputed, accompanied by a specific reference to material in the record which establishes that the fact is undisputed.

- **Legal argument is not permitted** in the statements of fact/summary Tables. Legal argument should be reserved for separate portions of the briefs. If, for example, a party believes that an established fact is immaterial, that belief should be expressed in the part of the brief devoted to legal argument, and the fact should be admitted. If, on the other hand, a party believes that the reference to the record does not support the claimed fact, then the fact may be denied and factual argument may appropriately be made pursuant to these procedures.

Exemplar Table 1- Movant's Undisputed Material Facts

Movant's Undisputed Fact	Respondent's Response to the Purportedly Undisputed Fact	Movant's Reply in support of the Undisputed Fact
1. Officer Smith arrived on scene before 8pm. Smith Deposition, 20:3-9 (when asked what time he arrived on scene, Officer Smith responded, "I think it was around 7:45, maybe earlier); Doc. No. 42-1 (Police report indicating Officer Smith arrived on scene at 7:44pm).	1. Admitted.	1. N/A
2. Plaintiff was non-compliant during the arrest. Smith Deposition, 50:2-10 (describing Plaintiff as "resisting," "crying," and "very resistant to being arrested."); Doc. No. 42-1 (Police report indicating Plaintiff refused to comply with the officers' instructions); Jones Deposition 44:2-9 (when asked about her observations of Plaintiff just before he was arrested, Dr. Jones stated, "He was very upset, crying, and he kept screaming that he wanted to go home. It was very difficult to get him to calm down.")	2. Denied. Plaintiff was upset, but he cooperated with the arresting officer. Plaintiff Deposition, 32:1-4 (when asked whether he cooperated during the arrest, Plaintiff responded, "Yes, I didn't want to go but I knew I had to.")	2. Plaintiff's self-serving statement does not create a genuine dispute.

Exemplar Table 2- Respondent's Additional Disputed Facts

Respondent's Additional Disputed Fact	Movant's Response
1. Whether Ms. Green was present during intake at the hospital. Doc. No. 42-15 at 5 (Intake paperwork indicating Plaintiff arrived at hospital alone)	1. It is undisputed that Ms. Green was present during intake. The absence of this information in the intake paperwork does not create a genuine dispute about this fact. Green Deposition, 20:4-8; Dot Deposition, 60:2-7; Jones Deposition, 44:5-15.

XI. TRIAL

PROCEDURE FOR CONSENT CASES ONLY

This section concerns the Final Pretrial Conference (FPTC) and the Trial Preparation Conference (TPC), both of which will be conducted either by videoconference or in-person. Lead counsel for each party, along with any parties who are unrepresented, must appear at both. The following procedures will govern:

(1) No later than seven (7) days prior to the FPTC, the parties must exchange and submit a proposed Final Pretrial Order (FPTO). The form to be used for the FPTO can be found on the District Court website.

(2) During the FPTC the parties should be prepared to:

- Discuss any disputes re: the proposed Exhibit Lists and Witness Lists.
- Confirm whether it will be a jury or bench trial.
- Address any pending motions.
- Argue any pending motions in limine.
- Discuss whether trial briefs are necessary or could be helpful to the Court.
- Estimate the total length of trial.
- Discuss any settlement efforts to date.
- If applicable, discuss jury selection/jury practice. Note that unless ordered otherwise, jurors will be permitted to take notes during trial, the jury will be instructed before closing argument, and each juror will be given a copy of the jury instructions for use during deliberations.
- Discuss whether any issues can be narrowed by stipulation.
- Discuss whether deposition transcript designations will be necessary.
- Discuss the items to be filed ahead of trial (see below).

(3) No later than seven (7) days before trial, the parties must submit the following:

- Proposed Jury Instructions (if applicable). The parties shall attempt to stipulate to as many jury instructions as possible, particularly "stock" instructions and verdict forms. The jury instructions shall identify the source of the instruction and supporting authority, e.g. § 103, Fed. Jury Practice, O'Malley, Grenig, and Lee (6th ed.). The parties shall submit their instructions and verdict forms both via CM-ECF and by electronic mail to Braswell_Chambers@cod.uscourts.gov in Word format. Verdict forms shall be submitted in a separate file from jury instructions. Within the jury instruction document, each jury instruction shall begin on a new page. Each instruction should be numbered (e.g., "Plaintiff's Instruction No. 1") for purposes of making a record at the jury instruction conference. In

diversity cases where Colorado law applies, please submit instructions and verdict forms that conform to the most recent edition of CJI-Civ.

- Proposed Voir Dire Questions (if applicable). Note that unless ordered otherwise, each side shall be permitted *voir dire* examination of fifteen minutes after *voir dire* examination by the Court.

- **JOINT Witness List** that is in final form and includes the estimated length of time each witness will be on the stand (*see Exemplar Chart 1 below*).

- **JOINT Exhibit List** that identifies all exhibits the parties expect to offer. The parties must stipulate to the authenticity and admissibility of as many exhibits as possible. If the parties are unable to reach a stipulation as to any exhibit(s), the party opposing the admission of the exhibit(s) is required to set forth their objections, specifying the supporting legal authority for their opposition, and the proponent of the exhibit shall set forth their response to the objection in the next column (*see Exemplar Chart 2 below*).

- **JOINT Deposition Designations** (optional). This chart must be inclusive of any objections and counter-designations (*see Exemplar Chart 3 below*).

(4) A TPC will typically be held a week or two before trial to address any outstanding issues or disputes and to ensure trial readiness. At that time, the parties should be prepared to address any issues that may impact trial.

Exemplar Chart 1- Joint Witness List

Witness	Party Calling Witness	Est. Time on Direct	Estimated Time on Cross
Mr. Maroon	Plaintiff	1 hour	1 hour
Ms. Green	Defendant	1 hour	1 hour

Exemplar Chart 2- Joint Exhibit List

Ex #	Proponent	Description of Exhibit	Authenticity Stipulated?	Admissibility Stipulated?	Objection (if any)	Response to Objection
P-1	Plaintiff ABC	Master Services Agreement	Y	Y		
P-2	Plaintiff ABC	Text message from Ms. Red describing concerns with project	Y	N	Hearsay	Present sense impression
D-1	Defendant 123	2011 Master Services Agreement	Y	N	Relevance	Goes to pattern and practice/parties' intent

Exemplar Chart 3 - Deposition Designation Chart

Proponent (Plaintiff or Defendant)	Witness Name	Page & Line	Respondent's Objection (if any)	Respondent's Counter Page & Line (if any)	Proponent's Reply (if any)