

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

_____,

Plaintiff(s),

v.

_____,

Defendant(s).

TRIAL PROCEDURES ORDER

Michael E. Hegarty, Chief United States Magistrate Judge.

To fairly and efficiently try the merits of each case, the Court issues the following procedures and orders as supplements to the Federal Rules of Civil Procedure, the District's Local Civil Rules, and the District's Uniform Civil Practice Standards of the United States Magistrate Judges. To the extent this Order references the Court's templates and standard forms, the Parties can find these materials on the Court's website. *See* <http://www.cod.uscourts.gov/JudicialOfficers/ArticleIMagistrateJudges/HonMichaelEHegarty.aspx>.

I. Trial Preparation Conference

The Trial Preparation Conference is scheduled for _____ at _____ **0:00** ____ m.
The matters due before that date are as follows:

- A. **Motions in Limine**: No later than **twenty business days** before the Trial Preparation Conference, the Parties shall file any motions in *limine*. Responses shall be filed within **ten business days** of service of a motion. Replies may be filed within **five business days** of service of a response.
- B. **Deposition Testimony**: In the event deposition testimony will be used, opposing counsel must be given notice of each page and line intended to be used no later than **ten business days** prior to the Trial Preparation Conference. Opposing counsel may

then cross-designate testimony. The Parties will meet and confer regarding the method of designating testimony so that it can be efficiently presented at trial. Any objections to the testimony must be marked on a copy of the transcript and **emailed** to Chambers (Hegarty_Chambers@cod.uscourts.gov) no later than **three business days** before the Trial Preparation Conference. The Court will rule on any objections to deposition testimony prior to trial.

- C. **Exhibit Lists**: No later than **three business days** before the Trial Preparation Conference, each Party shall file an exhibit list¹ **and** email Chambers an editable Word copy. The Parties shall prepare exhibit lists using the Court’s “Exhibit List” template. The exhibit lists shall set forth stipulations as to authenticity and admissibility. Plaintiff shall use the numbering system of Plaintiff’s Exhibit 1, Plaintiff’s Exhibit 2, etc. If Defendant has less than seventy-eight total exhibits, Defendant shall use the lettering system of Defendant’s Exhibit A, Defendant’s Exhibit B, etc. If Defendant has more than seventy-eight total exhibits, Defendant shall use a hybrid letter-number system, starting with A1 through Z1, then A2 through Z2, etc., as needed.
- D. **Objections to Exhibits**: No later than **three business days** before the Trial Preparation Conference, each Party shall file objections to exhibits **and** email Chambers an editable Word copy. The objections shall state in a clear and concise fashion the evidentiary grounds for each objection and the legal authority supporting such objection.
- E. **Witness Lists**: No later than **three business day** before the Trial Preparation Conference, each Party shall file a final witness list **and** email an editable Word copy to Chambers. The Parties shall prepare witness lists using the Court’s “Will Call Witness List” and “May Call Witness List” templates. Each witness list shall include an estimate of each witness’s direct examination testimony time. Identifying a witness as “may call” does not ensure the witness’s availability for trial. Each witness designated as “will call” shall be counsel’s representation, upon which opposing counsel can rely, that the witness will be present and available for testimony at trial. Of course, no Party is *required* to call a particular witness; identifying the witness as “will call” only assures their availability.

¹ The Parties can access the Court’s Electronic Case Filing Procedures for Civil Cases on the Court’s website. See <http://www.cod.uscourts.gov/CourtOperations/CMECF.aspx>.

- F. **Trial Briefs:** No later than **three business days** before the Trial Preparation Conference, Parties shall file any trial briefs. These briefs are limited to **twenty pages**. Parties are free to include evidentiary issues as well as the substantive law governing the case.
- G. **Proposed Voir Dire:** The Court will permit the Parties approximately fifteen minutes each for *voir dire*. To make this aspect of the trial more efficient, the Parties shall **email** Chambers proposed *voir dire* questions regarding the specific subject matter of the case that the Court will ask in editable Word format no later than **three business days** before the Trial Preparation Conference. Note, the Court has standard *voir dire* questions it asks in every jury trial in addition to the *voir dire* questions proposed by the Parties.
- H. **Verdict Forms:** No later than **three business days** before the Trial Preparation Conference, the Parties shall file a joint proposed verdict form **and** email an editable Word copy to Chambers. If the Parties cannot agree on a proposed verdict form, each Party shall file **and** email a proposed form by the same deadline.
- I. **Jury Instructions:** The Court has standard civil opening and closing jury instructions. Please note, in jury trials, closing instructions are given after closing arguments. Copies of written instructions will be provided to the jury for its deliberations.

No later than **three business days** before the Trial Preparation Conference, the Parties shall file proposed jury instructions specific to the relevant substantive issues (*i.e.*, stipulated facts instruction, instructions on the substantive law governing the case) **and** email an editable Word copy to Chambers. Specifically, the Parties will file and email **three sets of instructions** to the Court: (1) those stipulated by the Parties; (2) instructions proposed by Plaintiff but opposed by Defendant; and (3) instructions proposed by Defendant but opposed by Plaintiff. For each set of instructions submitted, the Parties shall include **two versions**: one ***with*** authority and one ***without*** authority.

- J. **Remote Testimony Requests:** No later than **three business days** before the Trial Preparation Conference, the Parties shall confer about any remote testimony requests. The Parties shall then raise these requests at the Trial Preparation Conference.

II. Prior to Trial

- A. **Use of Courtroom Technology**: No later **than two business days** after the Trial Preparation Conference, counsel shall notify my courtroom deputy of (1) any need for special accommodation for any attorney, Party, or witness; (2) any need for technological equipment, such as videoconferencing; and (3) any equipment needed for the electronic presentation of evidence, such as using CD-ROMs.
- B. **Courtroom Technology Training**: To minimize technical difficulties during trial, any counsel who will use courtroom technology during trial (*e.g.*, using the elmo to display exhibits, displaying PowerPoint slides, having a witness testify remotely) shall contact my courtroom deputy no later **than two business days** after the Trial Preparation Conference to schedule a training on using the courtroom's technology.

III. First Day of Trial

- A. Trial is set for ___ days, to a jury, beginning on _____ at **8:30 a.m.** in Courtroom A501 on the fifth floor of the Alfred A. Arraj United States Courthouse located at 901 19th Street, Denver, Colorado. The Parties shall arrive by **8:15 a.m.**
- B. Provide three copies of witness lists to the courtroom deputy and one to opposing counsel.
- C. Provide three copies of the exhibit lists to the courtroom deputy.
- D. Submit an original list of any stipulated facts and two copies to the courtroom deputy.
- E. Submit original exhibits (each exhibit numbered or lettered sequentially and properly tabbed; each page within an exhibit numbered sequentially) in one or more binders to the courtroom deputy and the Court. There is no requirement to provide separate binders for the jurors, as the exhibits shall be published to the jury by means of the courtroom technology. At the conclusion of trial, the jury will receive the exhibit binder maintained by the courtroom deputy.

IV. General Information

- A. My courtroom deputy's name is Christopher Thompson, who can be reached at (303) 335-2326 or *Christopher_D_Thompson@cod.uscourts.gov*. Any questions concerning exhibits or courtroom equipment should be directed to him. The proceedings will be recorded either digitally or by a court reporter. Any request for transcripts should be directed to the courtroom deputy. Extraordinary requests (*e.g.*,

daily transcript copies) should be made **at least thirty days** in advance of the trial date.

- B. My law clerks can be reached at (303) 844-4507 or by emailing Chambers (Hegarty_Chambers@cod.uscourts.gov).

Dated at Denver, Colorado this __ day of _____, 2024.

BY THE COURT:

Michael E. Hegarty
Chief United States Magistrate Judge