

PRACTICE STANDARDS
(Civil Cases)

Judge Nina Y. Wang
United States District Court
District of Colorado

Alfred A. Arraj United States Courthouse
901 19th Street, Courtroom A-502
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I. GENERAL PROCEDURES

A. Applicable Rules

1. Those appearing in the District Court must know and follow:
 - a. The Federal Rules of Civil Procedure;
 - b. The Federal Rules of Evidence;
 - c. The Local Rules of Practice of the United States District Court for the District of Colorado;
 - d. The Electronic Case Filing Procedures (Civil Cases); and
 - e. These Practice Standards.

The procedures set forth herein apply in all civil cases assigned to Judge Wang, **regardless of when the action was originally filed, unless otherwise ordered.** These Civil Practice Standards are intended to help clarify the procedures that this Court uses, but they are not intended to be exhaustive. The parties are also expected to be familiar with and comply with the Practice Standards of the Magistrate Judge assigned to the case on referral for any issue referred to the Magistrate Judge.

The failure to follow these Practice Standards, the Local Rules of Practice, or the Federal Rules may result in an order striking the noncompliant filing without substantive consideration or other appropriate sanctions.

B. Access to Local Rules and Practice Standards

1. Copies of the Local Rules are available at <http://www.cod.uscourts.gov/LocalRules/Rules.aspx>, from the District Court's home page <http://www.cod.uscourts.gov/Home.aspx> under "Local Rules," and from the clerk of the court in Room A105.
2. Copies of these Practice Standards are available at <http://www.cod.uscourts.gov/Judges/Judges.aspx>, from the District Court's homepage <http://www.cod.uscourts.gov/Home.aspx> under "Judicial Officers' Procedures," and from the clerk of the court in Room A105.

C. Communications with Chambers

Please keep in mind that chambers staff is not permitted to provide any type of legal advice, interpret orders, procedural rules, or these Practice Standards, grant

oral requests over the telephone, or provide information about the progress of any pending motion. If you have questions about the status of a motion or document, please review the CM/ECF docket. To the extent that any questions remain, you may contact the Clerk's Office at 303.844.3433 – Option 0.

Unless ordered by the Court, neither counsel nor *pro se* parties shall engage in *ex parte* communications with the Court, either by telephone or by electronic mail. All communications with the Court, unless otherwise ordered, shall be made in the form of a formal filing on the docket.

D. Citations

1. Citations shall be made pursuant to the most current edition of THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION.
2. General references to cases, pleadings, depositions, or documents are insufficient if the document is more than one page in length. Whenever possible, specific references in the form of pinpoint citations should be used to identify relevant excerpts from cases, pleadings, depositions, or documents.
3. Whenever practicable, a citation to an unpublished opinion should include its Westlaw® citation.
4. These standards should be cited as Civ. Practice Standard, Part, Section, Subsection, Paragraph, and Subparagraph (e.g., Civ. Practice Standard I.D.4).

E. Alternative Dispute Resolution and Settlement

1. Court-sponsored settlement conferences are the exception to the general practice of this District. To the extent that parties seek to participate in a Court-sponsored settlement conference, the parties must move for an order setting a settlement conference pursuant to Local Rule 16.6. The parties should be prepared to address why a settlement conference before the Court is more appropriate than private alternative dispute resolution.
2. If you reach a resolution of the case without Court assistance, the parties shall advise my chambers immediately by email if motions are pending or hearings are upcoming. In addition, the parties shall file a Notice of Settlement on the docket at their earliest convenience. Please note that previously set conferences or deadlines (including trial) will not be vacated without the filing of dismissal papers, unless otherwise ordered by the Court.

F. Civility

Counsel are expected to treat opposing counsel and *pro se* parties with respect. Counsel should focus their efforts on presenting to the Court concise, specific, well-supported statements of fact and argument and avoid characterizing the opposing party or counsel's arguments using adjectives such as "specious," "illogical," or "absurd."

G. Duty to Confer

1. Consistent with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice of the District of Colorado, all parties, including *pro se* parties who are not currently incarcerated, have an obligation to meet and confer prior to filing a motion, unless otherwise ordered or exempted under the applicable Rules as modified by these Practice Standards. The duty to meet and confer requires the parties to discuss the specific dispute at issue and the requested relief, **preferably in person or by telephone and not through written correspondence**, and provide the opposing party or counsel a reasonable amount of time to respond prior to the filing of the motion.

2. All motions requiring a meet and confer certificate must articulate the specific efforts taken to fulfill the duty to confer and the non-movant's position regarding the requested relief. Failure to meaningfully confer and/or failure to include the non-movant's position will result in the Court striking the motion without substantive consideration. Unless exempted from the requirements to confer, only in well-articulated, extraordinary circumstances will the Court accept a filing that does not affirmatively establish the non-moving party's position on the requested relief.

II. COURTROOM PROCEDURES

A. Courtroom Operations

For information regarding the courtroom, including telephonic connection, courtroom equipment and technology, courtroom protocol, use of deposition transcripts, the submission of trial exhibits and witness lists, and the use of exhibits at trial, please contact the courtroom deputy, **Emily Buchanan**, at **Emily_Buchanan@cod.uscourts.gov** or **303.335.2044**.

B. Courtroom Decorum

This Court strives to create a courtroom where all litigants, witnesses, and counsel feel welcome and respected. In that regard, counsel and/or parties are invited and encouraged to identify the preferred pronouns of counsel, parties, and witnesses at the

earliest juncture possible. This identification may be done in an initial signature block, in-person at a conference or hearing, or in a witness list.

Counsel are also invited to raise any accessibility or disability accommodation issues to the attention of the courtroom deputy at least three (3) days prior to any hearing or trial so the Court can determine what accommodations may be undertaken by the Court, or promptly advise counsel and/or the parties of the inability to provide such accommodations. For instance, in general, the Court does not have the funding for, and thus does not provide, translators in civil cases.

All parties should observe the following courtroom decorum:

1. Stand when the Judge enters or leaves the courtroom, when addressing the Court, and when the jury enters or leaves the courtroom;
2. Request permission to approach the bench; and
3. Address the Judge as “Your Honor.”

C. Remote Appearances

The Court strongly prefers that counsel appear in person for all court hearings, particularly if counsel is local. Unless otherwise ordered, if a party seeks leave to appear at a court hearing remotely, any motion requesting such leave shall be filed no later than **three business days** prior to the hearing. Unless otherwise ordered in extraordinary circumstances, the Court will not permit counsel to remotely appear at trial preparation conferences or trials.

D. COVID-19 Protocols

All counsel and *pro se* parties are expected to familiarize themselves with and keep themselves informed of this Court’s effective Standing Order(s), available at <http://www.cod.uscourts.gov/JudicialOfficers/ActiveArticleIIIJudges/HonNinaYWang.aspx>, as well as the District of Colorado’s Jury Trial Protocols and General Order(s) regarding court operations during the COVID-19 pandemic, available at <http://www.cod.uscourts.gov/CourtOperations/COVID-19Guidance.aspx>.

E. Recording Proceedings

1. The realtime reporter assigned to the Court is **Darlene Martinez**, who may be contacted at **Darlene_Martinez@cod.uscourts.gov** or **303.335.2312**. Transcripts of proceedings may be ordered from Ms. Martinez. Requests for realtime, daily, or hourly copy must be made at least **30 days** before the trial or hearing. For further details, contact Ms. Martinez.

2. Not later than **five business days** before any hearing, trial, or any other proceeding, the parties shall file and provide the Court, the court reporter, the courtroom deputy, and opposing counsel with a glossary of any difficult, unusual, scientific, or technical words, names, terms, or phrases.

III. DISCOVERY

A. Discovery Dispute Procedures

If the case has been referred to a Magistrate Judge, please consult the Magistrate Judge's Practice Standards to determine the applicable procedures, unless otherwise ordered by the Court.

In cases which I have not referred to a Magistrate Judge, or where I have otherwise decided to adjudicate a discovery dispute, the following discovery dispute procedure is applicable, **EXCEPT** cases involving *pro se* prisoners. Failure to engage in this discovery dispute process without leave of court may lead to the striking of any filed discovery motion without substantive consideration.

Before filing any discovery motion, please contact my chambers with **all counsel** representing parties to the particular discovery dispute and/or the *pro se* party to set a telephonic discovery conference. I expect that before the parties contact my chambers requesting a telephonic discovery conference, the parties will have met and conferred, either in person or by telephone, during which:

- The dispute to be presented to the Court was discussed in detail,
- Each party clearly stated its position and any position of compromise that is acceptable to it, and
- Each party identified the basis for its position.

Written Discovery. If the dispute involves written discovery, **at least one business day** prior to the telephonic discovery conference, unless otherwise ordered, the parties must complete and submit a written discovery dispute chart in the following example form, with the most persuasive authority included:

Issue	Moving Party's Position	Opposing Party's Position
Interrogatory No. 1	Overly broad contention interrogatory. <i>Witt v. GC Servs. Ltd. P'ship</i> , 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. <i>Teashot LLC v. Green Mountain Coffee Roasters, Inc.</i> , No. 12-cv-00189-WJM-KLM, 2014 WL 485876, at *7 (D. Colo. Feb. 6, 2014).

The moving party must submit the chart, the disputed discovery request, and the response to the disputed discovery request to my chambers. It should not be filed on the Court's Electronic Case Filing system. The parties should only submit *one* final version of the chart reflecting each party's position in the same document. Separate charts containing only one party's position on each of the issues will not be accepted. Should a formal discovery motion follow, the chart may then be included in any filing or order of the Court.

If the dispute does not involve written discovery, or if the parties find the above chart unhelpful or inappropriate given the substance of their dispute, then the parties are directed to submit a joint status report that clearly and succinctly outlines (1) the object of the dispute, (2) the parties' positions thereon, (3) the authority supporting the parties' positions, and (4) a brief summary of the parties' good faith attempts to resolve the matter before seeking Court intervention. Like the chart described above, the joint status report should not be filed on the Court's docket unless formal motions practice follows the informal conference.

Document Privilege Issues. Parties having issues related to the invocation of privilege are expected to have provided a privilege log with respect to the documents at issue that can be submitted to the Court. To the extent that a party contends that creating such a privilege log would be too onerous, the Court expects that the party forwarding that position will be prepared to address the burden in specific terms during the informal discovery conference. I will likely not resolve privilege issues during the telephonic discovery conference, and so to the extent that the parties' dispute concerns an assertion of attorney-client, marital, or other such privilege, the parties should expect to engage in formal motions practice.

Depositions. If a dispute arises at a deposition, the parties still must meet and confer regarding the issue in the manner set forth above before contacting chambers. Parties who have disputes over the topics and/or scope of a Rule 30(b)(6) deposition, as written in the

notice of deposition, are expected to raise such issues prior to the commencement of the Rule 30(b)(6) deposition.

If it becomes clear that the parties have not had an adequate meet and confer, or that one party is trying to use the discovery dispute process as improper leverage, I may *sua sponte* terminate the telephonic discovery conference and impose other sanctions if warranted.

Telephonic discovery conferences occur on the record. I conduct these conferences on the record in hopes of avoiding further disputes over what occurred or how the Court ruled or provided guidance during such conference. Unless you advise my staff otherwise, you should expect that these discovery conferences will be limited to 30 minutes. You may order transcripts of these discovery conferences by contacting Ms. Martinez.

IV. MOTIONS AND OBJECTIONS PRACTICE

A. General Requirements

1. All requests for the Court to take any action or to provide any type of relief must be made in a formal motion filed on the docket. The Court will not entertain requests for relief, including requests for extensions of Court-ordered deadlines, made via email or telephone. Oral motions made in open court are strongly discouraged and will only be considered in extraordinary circumstances.
2. Parties are not required to submit a proposed order when filing a motion, unless otherwise ordered by the Court. Should the parties provide the Court with a proposed order, all such proposed orders shall be submitted via CM/ECF. A proposed order shall not be sent via email to chambers unless otherwise ordered.
3. Motions that are untimely, noncomplying, or filed without a certification as required under Local Rules 6.1(c) or 7.1(a) may be denied without prejudice or stricken without substantive consideration.

B. Page Limitations and Formatting

1. All motions are limited to **twenty (20) pages**, all responses are limited to **twenty (20) pages**, and any replies, including any sur-replies, are limited to **ten (10) pages**. Sur-replies will be permitted only in extraordinary circumstances and only with leave of Court. This page limit does not count certificates of service. Motions with accompanying legal memoranda in support are discouraged and will be construed as one document for purposes of compliance with the above

limitations. A motion that fails to comply with these requirements may be stricken without substantive consideration by the Court.

Absent a sufficient reason and leave of Court, all parties represented by the same counsel are limited to a consolidated motion subject to these limitations.

2. A motion for leave to file excess pages should be filed at least **one business day** prior to the deadline to file the subject document.

3. All parties are expected to follow the formatting requirements set forth in Local Rule 10.1. Accordingly, all pleadings, documents, and motions shall be formatted with 12-point font, including footnotes, and shall be double-spaced.

C. Motions to Dismiss

1. Unless otherwise ordered, each party shall be limited to the filing of a single motion to dismiss directed at the operative pleading.

2. Motions to dismiss filed under Rule 12(b) are discouraged if the defect is curable by the filing of an amended pleading. **As such, parties are required to meet and confer prior to the filing of a motion to dismiss under Rule 12(b), unless consistent with Local Rule 7.1(b), one or more parties is an unrepresented incarcerated or detained person.** The failure to comply with this conferral requirement may result in the Court striking the motion without substantive consideration.

3. Rule 12(b) motions which rely on matters outside the pleadings shall address the basis for the Court to consider such documents and whether the motion should or should not be converted into a motion for summary judgment.

D. Motions for Summary Judgment

1. 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, which shall be granted in only the most extraordinary circumstances.

2. All motions for summary judgment must contain a Statement of Undisputed Material Facts section that sets forth, in separately numbered paragraphs, the material facts which the movant believes are undisputed. Each identified fact must contain citations to specific evidence in the record that purportedly support the

corresponding fact or the specific lack of evidence. A general reference to an entire exhibit is sufficient only if the nature of the asserted fact does not permit a specific reference (e.g., “The contract does not contain a severance provision.”).

3. All responses must contain a Response to Statement of Undisputed Material Facts section that must admit or deny each identified fact with citations to evidence in the record. Responses may also include a Statement of Additional Material Facts section with citations to specific evidence in the record, if necessary.

4. To the extent a response contains a Statement of Additional Material Facts, all replies must similarly respond to said facts with citations to specific evidence in the record, but may not include any additional facts not already offered in the motion or response.

5. Failure to adhere to these requirements may result in a delay in considering the pending motion or the Court striking the motion for summary judgment, response, or reply without substantive consideration or deeming a fact undisputed under Rule 56(e).

E. Motions to Exclude or Strike Expert Testimony

1. 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 **30 days** after the deadline for disclosure of rebuttal witnesses.

2. All motions filed under Rule 702 shall specify, with particularity, the opinion(s) which the moving party seeks to exclude and the specific ground(s) on which each opinion is challenged, e.g., relevancy, sufficiency, or methodology. All such motions shall specifically state whether the moving party is requesting an evidentiary hearing, and all responses shall similarly indicate whether the responding party believes an evidentiary hearing is necessary. Evidentiary hearings will be set at the Court’s discretion.

F. Motions for Extensions of Time

1. To reset any deadline, a formal motion is required; extensions will not be granted via email or telephone request, including the extension of time contemplated by Local Rule 6.1(a). Please file the stipulation pursuant to Local Rule 6.1(a) and all motions for extension of time no later than **one business day** prior to the operative deadline, unless there is an extenuating circumstance. Should there be an extenuating circumstance, your motion for extension of time should

state it. Your motion for extension of time must articulate good cause for granting an extension of time. **The press of business does not constitute good cause.**

2. Every motion for extension of time should state how many other extensions have been granted in the case (regardless of which judicial officer granted such extensions), and, where appropriate, identify (1) the original deadline, (2) the current deadline, and (3) a range of proposed alternate deadlines. The motion for extension of time should also state whether the requested extension will affect any other date currently set in the case. In addition, all motions requesting an extension of time must be served contemporaneously by counsel on his or her client pursuant to Local Rule 6.1(c), as the failure to do so may result in the Court striking the motion without substantive consideration.

G. Motions for Continuances

1. To reset any hearing, a formal motion is required; continuances will not be granted via email or telephone request. In addition, stipulations for continuances will not be effective unless and until granted by the Court. Please file all motions for a continuance no later than **three business days** prior to the hearing, unless there is an extenuating circumstance. Should there be an extenuating circumstance, your motion for continuance should state it. Your motion for a continuance must articulate good cause for granting the continuance.

2. The motion for continuance must also include dates of counsels' and any *pro se* parties' availability for the rescheduled setting. The Court will attempt to reset the hearing within the provided date range. In addition, all motions requesting a continuance must be served contemporaneously by counsel on his or her client pursuant to Local Rule 6.1(c), as failure to do so may result in the Court striking the motion without substantive consideration.

H. Emergency Motions

Emergency motions are only those necessary to avoid imminent, irreparable harm. Counsel filing an emergency motion should ensure that: (1) the caption of the motion begins with the word "emergency"; (2) the motion is electronically filed using the CM/ECF drop-down menu option entitled "Emergency" on the docket text modification screen; and (3) chambers is notified of the motion by email at Wang_Chambers@cod.uscourts.gov, with a subject line containing "Emergency Motion" and the case name and number.

I. Confidentiality and Restricting the Record

Public access to the courts is fundamental to our system of justice. While the Court recognizes that some cases may involve information that must be restricted, this Court will not grant motions to restrict that do not specifically address the factors set out in Local Rule 7.2, even if the motions are stipulated. Failure to comply with Local Rule 7.2 may result in the striking of the motion to restrict and may also result in public availability of the information and/or document(s) at issue. In addition, the Court will rarely restrict court pleadings, papers, or orders, even if such documents refer to exhibits that are restricted.

J. Objections to Magistrate Judge Recommendations

1. “[A] party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for *de novo* review by the district court or for appellate review.” *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Failure to make timely Objections may bar *de novo* review by this Court of the Magistrate Judge’s Recommendation and may result in a waiver of the right to appeal from a judgment of this Court based on the Recommendation of the Magistrate Judge. *See Vega v. Suthers*, 195 F.3d 573, 579-80 (10th Cir. 1999).

2. A general objection that does not put this Court on notice of the basis for the objection will not preserve the objection for *de novo* review. A party objecting to a Magistrate Judge’s Recommendation must identify, with particularity, the specific portions of the Recommendation that are the basis for the Objection. Objections must include specific citations to the case record—e.g., the party’s motion and/or briefing, supporting exhibits, and the Recommendation—that form the objecting party’s arguments. In general, this Court disfavors the consideration of arguments and exhibits not made to the Magistrate Judge. Should the objecting party seek to make arguments or introduce exhibits that were not raised before the Magistrate Judge, such party must expressly identify those arguments and/or exhibits and explain why such omitted arguments and/or exhibits should be considered, in the first instance, upon Objection.

3. All Objections to Magistrate Judge Recommendations and responses to Objections are limited to **ten (10) pages**. Pursuant to Rule 72 of the Federal Rules of Civil Procedure, replies in support of an Objection will not be permitted absent leave of Court and good cause shown.

V. TRIALS AND HEARINGS

A. Final Pretrial Conference

1. Unless otherwise ordered, this Court will conduct the Final Pretrial Conference. **Seven days** prior to the Final Pretrial Conference, the parties shall submit a proposed Final Pretrial Order using the form found on the District of Colorado's website. The parties shall jointly file their proposed Final Pretrial Order via CM/ECF and shall also send an editable Microsoft Word version to Wang_Chambers@cod.uscourts.gov.

2. If the Final Pretrial Conference is not set at the parties' Scheduling Conference, within **two business days** of the Scheduling Conference, the parties shall jointly contact my chambers via telephone to set the Final Pretrial Conference. Calls and emails to chambers requesting potential dates for the Final Pretrial Conference are strongly discouraged.

3. Lead counsel must be physically present for the Final Pretrial Conference. At the Final Pretrial Conference, the Court will set a firm date for the Trial Preparation Conference and the commencement of trial. The parties should be prepared to discuss at the Conference the anticipated length of trial. **If the parties believe that the trial should last longer than five days, the parties should be prepared to explain why good cause exists for a trial longer than five days.**

4. If the dispositive motions deadline has passed and no party has filed a motion for summary judgment, the parties may jointly contact the undersigned's chambers via telephone, **no later than ten days following the dispositive motions deadline**, to determine whether the Court's calendar can accommodate a sooner-in-time Final Pretrial Conference. In cases in which one of the parties is an incarcerated *pro se* litigant, the incarcerated litigant need not be on the joint telephone call.

B. Trial Preparation Conference

1. The Trial Preparation Conference will be held approximately two weeks prior to the beginning of the trial. Counsel who will try the case must attend in person.

2. The parties shall submit their respective proposed *voir dire* questions in a joint email to Wang_Chambers@cod.uscourts.gov no later than **seven days** prior

to the Trial Preparation Conference. The parties shall be prepared to discuss their proposed *voir dire* at the Conference.

C. Jury Instructions and Verdict Forms

1. The parties shall submit proposed jury instructions and verdict forms **fourteen days** prior to the Trial Preparation Conference, unless otherwise ordered. The parties shall jointly file their proposed jury instructions and verdict forms (in separate filings) via CM/ECF and shall also send an editable Microsoft Word version of each document to Wang_Chambers@cod.uscourts.gov.

2. Each proposed jury instruction must be submitted on a separate page, be numbered, and identify the source of the instruction and supporting authority.

3. The parties must use their best efforts to stipulate to jury instructions. To the extent there are disputes with respect to proposed jury instructions, each party shall submit their own proposed jury instruction. In addition, for each disputed instruction, the parties shall jointly submit a single, redlined jury instruction in which they delineate the language they respectively propose. For example:

Plaintiff's Proposed Jury Instruction: The reasonableness of an insurer's conduct is to be determined objectively, according to industry standards and must be evaluated based on the information before the insurer at the time of the conduct.

Defendant's Proposed Jury Instruction: The reasonableness of an insurer's conduct is to be determined objectively, according to industry standards. ~~and must be evaluated based on the information before the insurer at the time of the conduct.~~

4. The parties shall meet and confer and stipulate to a proposed verdict form. The Court strongly encourages counsel to craft a stipulated verdict form that is readily understandable to laypersons.

5. Stylistic conventions: Please capitalize party names and refrain from using articles when referring to parties (e.g., "Plaintiff" rather than "the plaintiff"). Where parties or other individuals are referenced by name, please use the appropriate title (e.g., Ms., Mr., Dr.) and not the last name alone.

D. Exhibits and Exhibit Lists

1. For all evidentiary hearings and trials, the parties shall use the format for exhibit lists located on the District Court's website at <http://www.cod.uscourts.gov/JudicialOfficers/ActiveArticleIIIJudges/HonNinaYWang.aspx>.

2. Exhibits shall be labeled on the parties' joint exhibit list in numeric order, with no designation as to whether it is "Plaintiff's Exhibit" or "Defendant's Exhibit." The parties must stipulate to the authenticity and admissibility of as many exhibits as possible, marking the appropriate box on the proposed exhibit list. The parties' stipulation as to the admissibility of a document does not guarantee its admissibility; each document the parties intend to submit to the jury must be offered to and accepted by the Court.

3. For all trials, exhibit lists are due no later than **seven days** prior to the Trial Preparation Conference, unless otherwise ordered. The parties shall jointly file their exhibit lists via CM/ECF and shall also send an editable Microsoft Word version to Wang_Chambers@cod.uscourts.gov.

4. For all evidentiary hearings, exhibit lists are due no later than **two business days** prior to the hearing, unless otherwise ordered. The parties shall jointly file their exhibit lists via CM/ECF and shall also send an editable Microsoft Word version to Wang_Chambers@cod.uscourts.gov.

5. Exhibit Notebooks

a. Prior to a hearing or trial, the parties shall jointly provide to the courtroom deputy two copies of all exhibits in a notebook format. For all trials, exhibit notebooks are due no later than **seven days** prior to the Trial Preparation Conference, unless otherwise ordered. For all hearings, exhibit notebooks are due no later than **two business days** prior to the hearing, unless otherwise ordered.

b. The notebooks should be labeled with the following information: (a) case caption; (b) scheduled commencement date and time of the hearing or trial; and (c) designation of "witness" or "Court."

c. The parties shall separate all documents by numbered tabs and reproduce each exhibit in the manner in which it will be shown to the witness and jury, e.g., colored exhibits should appear in color in the

notebooks. Multi-page exhibits should include internal numbering for ease of the witness and the Court. All exhibits will be sequentially numbered, without any attribution to the plaintiff or the defendant.

6. In addition to submitting exhibit notebooks, the parties shall jointly provide to the court reporter a flash drive that contains a copy of all exhibits, numbered sequentially in the same numeric order used in the exhibit notebooks. For all trials, exhibit flash drives are due no later than **seven days** prior to the Trial Preparation Conference, unless otherwise ordered. For all hearings, exhibit flash drives are due no later than **two business days** prior to the hearing, unless otherwise ordered.

E. Witness Lists

1. For all evidentiary hearings and trials, the parties shall use the format for witness lists located on the District Court's website at <http://www.cod.uscourts.gov/JudicialOfficers/ActiveArticleIIIJudges/HonNinaYWang.aspx>.

2. For each witness, please estimate the time for all examinations, e.g., direct and re-direct. Please note that the cumulative estimated times for trial witnesses should not exceed the total time allotted for a party to present its case. The Court will strictly enforce the estimated time allotted for each witness's testimony.

3. For all trials, witness lists are due no later than **seven days** prior to the Trial Preparation Conference, unless otherwise ordered. The parties shall jointly file their witness lists via CM/ECF and shall also send an editable Microsoft Word version to Wang_Chambers@cod.uscourts.gov.

4. For all evidentiary hearings, witness lists are due no later than **two business days** prior to the hearing, unless otherwise ordered. The parties shall jointly file their witness lists via CM/ECF and shall also send an editable Microsoft Word version to Wang_Chambers@cod.uscourts.gov.

5. On the morning of the first day of trial or the evidentiary hearing, each party shall provide the courtroom deputy with four paper copies of a final list of its witnesses that includes an estimate of the time anticipated for each witness's direct and cross examination. One copy will be made available to the court reporter to assist in the transcription of court proceedings, so please be sure that names are spelled correctly.

F. Depositions

1. Together with Fed. R. Civ. P. 32, this Practice Standard governs the use of both regular and videotaped depositions in court proceedings.
2. If the parties intend to offer deposition testimony in lieu of a live witness at trial or at an evidentiary hearing:
 - a. No later than **twenty-one days** prior to the Trial Preparation Conference, the party offering such testimony must designate the deposition testimony and inform the opposing party whether the testimony will be read or presented from a video recording.
 - b. Counter-designations must be made no later than **fourteen days** prior to the Trial Preparation Conference.
 - c. The parties should be prepared to address any anticipated objections at the Trial Preparation Conference. Prior to the Trial Preparation Conference, the parties shall meet and confer regarding their designations and objections. After a good-faith meet and confer process, the parties shall identify any remaining objections by page and line citation and provide (1) a copy of the transcript(s); (2) an explanation for each objection; and (3) any relevant or supporting case law to Wang_Chambers@cod.uscourts.gov no later than **seven days** prior to the Trial Preparation Conference.
 - i. Transcripts submitted to the Court should have each party's designations in a different color of highlighting, with a clear legend of the designated colors.
3. To accommodate evidentiary objections to deposition testimony presented by video, the proponent must have the technical ability to "mute" excluded responses and efficiently "fast forward" to the next segment of testimony. Otherwise, the deposition testimony will be read into the record.
4. For jury trials, if evidence will be presented through a written deposition transcript, the proponent shall supply a person to read from a written deposition transcript in a non-argumentative fashion.

G. Motions in Limine

1. Each party may file **one** omnibus motion in limine, not to exceed **fifteen (15) pages**.
2. Motions in limine shall be filed no later than **forty-two days** prior to the Trial Preparation Conference, unless otherwise ordered. Responses shall be filed no later than **twenty-eight days** prior to the Trial Preparation Conference, or **fourteen days** after the motion is filed, whichever is earlier. No replies will be permitted absent leave of Court and good cause shown.

H. Trial Briefs

The Court will permit, but does not require, trial briefs limited to **fifteen (15) pages**. The trial brief should not be used to repeat any arguments made in a motion in limine. The parties shall submit trial briefs, if at all, to the Court via CM/ECF no later than **forty-five days** prior to the commencement of trial.

I. Jury Trials

1. Counsel and all *pro se* parties shall be present no later than **8:30 a.m.** each day during the trial to discuss any last-minute trial matters. Trial days will typically begin at 9:00 a.m. and end at 4:00 p.m., which a fifteen-minute break in the morning, an hour break for lunch, and a fifteen-minute break in the afternoon.
2. Unless otherwise ordered, civil juries will consist of at least 7 jurors.
3. Jury Selection and *Voir Dire*:
 - a. The Court will conduct *voir dire* of prospective jurors. Unless otherwise ordered, each side will then be permitted to conduct a *voir dire* examination of potential jurors for 15 minutes after the Court has completed its *voir dire* examination.
 - b. After *voir dire* is complete, the Court will entertain challenges for cause. If any prospective jurors are struck for cause, the Court will conduct *voir dire* of any replacement juror(s). Each side will be permitted three peremptory strikes.
4. Jurors will be permitted to take notes during the trial.

5. After the close of evidence but before closing argument, the Court will read the jury instructions to the jurors. Each juror will be given a copy of the jury instructions for use during deliberations.

6. Opening Statements and Closing Arguments:

a. Opening statements will generally be limited to thirty (30) minutes per party. Should the parties believe that they require more time, the parties should be prepared to discuss their request at the Trial Preparation Conference. Typically, only one attorney per party will be permitted to make opening statements, unless the Court finds good cause to permit otherwise. Counsel for each party should inform the courtroom deputy whether counsel would like a warning before their time expires.

b. After the close of evidence, the Court will inform the parties how much time will be allotted for closing arguments. Typically, only one attorney per party will be permitted to make closing arguments, unless the Court finds good cause to permit otherwise. Counsel for each party should inform the courtroom deputy whether counsel would like a warning before their time expires. Should the plaintiff wish to reserve any time for rebuttal, counsel must make the request prior to beginning closing arguments.

c. To the extent any party intends to utilize PowerPoints, Slides, or any other demonstrative items for opening or closing statements, the parties shall exchange such items no later than **two business days** prior to the commencement of trial and shall provide copies of the same to Wang_Chambers@cod.uscourts.gov. The Court will consider objections to the use of such items prior to their use, generally, the morning of the first day of trial.

J. Bench Trials

1. No later than **three business days** before the Trial Preparation Conference, counsel and any *pro se* parties shall file Proposed Findings of Fact, Conclusions of Law, and Orders via CM/ECF and shall also submit an editable Microsoft Word version to Wang_Chambers@cod.uscourts.gov. The parties are expected to state their proposed findings of fact in the same order as the anticipated order of proof at trial.

2. For a trial to the Court, a proper résumé or curriculum vitae, marked as an exhibit, generally will suffice for the qualification of an expert witness.