

**JUDGE REGINA RODRIGUEZ
PRACTICE STANDARDS
CIVIL ACTIONS**

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I. APPLICABILITY

A. Civil Actions

1. These practice standards apply to all civil actions, unless specifically excluded by a provision herein.
2. These practice standards apply to all civil actions pending before this Court at the time of this publication **regardless of when the action was first filed**. The Court understands that these standards may diverge from the standards previously applicable to cases in this Court, particularly with regard to motions for summary judgment. If the parties in a particular case believe that they will proceed more efficiently under the prior standards, they may jointly contact the Court and request to do so.

II. GENERAL PROCEDURES

A. Communication with Chambers

1. Chambers staff is not authorized to give legal advice or grant oral requests over the telephone, so please do not contact Chambers about substantive matters. For procedural information or assistance regarding a case, including scheduling of hearings or trials, please contact the Judge’s chambers at rodriguez_chambers@cod.uscourts.gov.
2. All emails to chambers should include the case name and number in the subject line of the email.
3. You may be directed to transmit proposed orders or other pleadings or papers by e-mail to rodriguez_chambers@cod.uscourts.gov. The proposed order or document should be submitted as an attachment to the e-mail in Word format unless otherwise specified. The e-mail message should identify the case number and document attached. Please do not send documents directly to chambers by facsimile or e-mail unless requested or ordered to do so by the court.

B. 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, filings, or depositions are insufficient if the document is more than one page in length. Where possible, specific references in the form of pinpoint citations to ECF page numbers or paragraph numbers should be used.
3. Citations to unpublished opinion should include a Westlaw® citation.

III. MOTION PRACTICE, GENERALLY

A. Filing Requirements

1. Parties shall submit a proposed order with any joint or unopposed motion.
2. Motions and all supporting arguments should be contained in a single document. Motions with separately filed briefs or memoranda are discouraged.
3. If a party files what it deems an “emergency” motion, it must email Rodriguez_chambers@cod.uscourts.gov at the time the motion is filed.
4. All requests for the Court to take any action, make any type of ruling, or provide any type of relief must be contained in separate, written motions. Although the requirement applies to cross-motions for summary judgment, the requirement does not apply to objections to summary judgment evidence unless the objecting party is seeking total or partial exclusion of expert testimony under Federal Rule of Evidence 702. This requirement also does not apply to requests to convert a Fed. R. Civ. P. 12(b)(6) motion to one for summary judgment; such a request should instead be included in the response to the Fed. R. Civ. P. 12(b)(6) motion.

B. Page Limitations

1. Excluding motions filed under Fed. R. Civ. P. 56 or 65, all other motions, objections (including objections to the recommendations or orders of United States Magistrate Judges), responses, and concomitant briefs shall not exceed fifteen (15) pages. If a party elects to file more than one Rule 12(b) motion, then opening briefs and response briefs shall not exceed fifteen (15) pages total for all such motions (not each such motion) filed by that party. Motions and briefs shall be combined and shall be considered one paper for purposes of computing page limitations. Replies shall not exceed ten (10) pages. These page limitations shall not include the cover page, table of contents, signature block, or certificate of service.
2. Motions for summary judgment or partial summary judgment and response briefs shall not exceed twenty (20) pages. Reply briefs shall not

exceed ten (10) pages. These page limitations shall not include the cover page, table of contents, signature block, or certificate of service. If a party elects to file more than one Rule 56 motion, then the motions and response briefs shall not exceed twenty (20) pages total for all such motions (not each such motion) filed by that party.

3. While these page limitations set forth the maximum number of pages for a party's filing, parties should make the utmost effort to set forth their arguments clearly and concisely. A motion should state the relevant facts, the relevant legal standard, and a brief argument. Repetitive arguments and string citations are not necessarily persuasive and may only serve to slow the ultimate disposition of the motion.

4. Please avoid characterizing the opposing party's actions ("counsel conveniently overlooked," "counsel attempts to mislead the court by stating," etc.). Such characterizations serve no purpose and merely add to the overall amount of reading materials for a particular matter.

C. Responses and Replies

1. A response shall clearly and completely identify by title, court CM/ECF docket number, and date filed the antecedent motion or petition to which response is made. Similarly, a reply shall clearly and completely identify by title, court CM/ECF docket number, and date filed the antecedent response to which reply is made.

D. Motions for Extension of Time

1. This practice standard is subject to D.C.COLO.LCivR 6.1(a), which governs extension by stipulation.

2. Motions seeking an extension of time to file a document, or for the continuance of a hearing, must be sought by way of an appropriate written motion filed as far in advance of the deadline or setting as possible. The moving party should clearly set forth good cause for the requested extension or continuance with particularity.

3. In a civil case, service on the client, as required by D.C.COLO.LCivR 6.1(c), must be noted in the Certificate of Service and must identify the individual(s) who received such service, including, if appropriate, the name and title of any individual who received service on behalf of a client that is not a natural person.

E. Motions Pursuant to Fed. R. Evid. 702

1. Motions under Fed. R. Evid. 702 often require additional time for the Court to fully analyze and may require evidentiary hearings. Thus, parties should file such motions as early as is practicable and, in all cases, **not later than seventy (70) days (ten weeks) prior to the Trial Preparation Conference**. Deadlines for responses and replies to Rule 702 motions are governed by D.C.COLO.LCivR 7.1(d). Rule 702 motions requiring an evidentiary hearing may be referred to the assigned Magistrate Judge for hearing and decision.

IV. MOTIONS FOR SUMMARY JUDGMENT PURSUANT TO RULE 56

A. Applicability

1. These rules regarding motions for summary judgment shall apply to all civil actions except:

- a. Social Security actions
- b. Actions with pro se parties: In actions where one or more party is unrepresented, the parties should address the dispositive motions deadline during the scheduling conference.

B. Notice to Chambers

1. No later than **ten days after the close of discovery**, a party seeking to file a motion for summary judgment must email chambers, copying opposing counsel, to inform the Court of their intent to file such motion.

2. Upon receipt of such notice, the Court will schedule a hearing with the parties to discuss the material facts and to determine whether there are disputes of any material facts.

C. Hearing Requirements

1. No later than **three business days** prior to the hearing, the Parties shall **jointly** file a chart of undisputed material facts. This will require the parties to substantively meet and confer. **It is insufficient for the parties to simply exchange their version of the chart**. A sample chart can be found here: [Draft Statement of Undisputed Facts Chart](#).

2. For each claim on which the proposed movant seeks summary judgment, they should identify the undisputed material facts that support

their claim. Each fact **must be supported by specific citations to supporting evidence.**

3. If the nonmovant disputes a particular fact, they shall identify the evidence that contradicts the purported fact. Any statement contradicting a movant's statement of undisputed facts **must be supported by specific citations to supporting evidence.**

4. The parties shall state whether they agree that the fact in question is material.

5. The parties should meet and confer meaningfully prior to submitting the chart of undisputed material facts. A fact is not disputed merely because a party disputes the implication or import of that fact. Where a party disputes a fact, the party should succinctly identify the contradictory evidence. The chart of undisputed material facts is not an opportunity for the parties to provide legal argument. The parties will be given an opportunity at the hearing to discuss their positions.

6. At or after the hearing, the Court will consider the issues raised and will set a briefing schedule. The Court will not preclude a party from filing a motion for summary judgment, but the Court will make suggestions regarding issues based on the facts identified during the hearing.

7. Motions for summary judgment filed without adhering to these procedures may be stricken for noncompliance.

D. Early Motions for Summary Judgment

1. No party shall file an early motion for summary judgment without first obtaining leave of the Judge or Magistrate Judge.

V. MOTIONS FOR EXTENSION OF TIME

1. This practice standard is subject to D.C. COLO.LCivR 6.1(a), which governs extension by stipulation.

2. Motions seeking an extension of time to file a document, or for the continuance of a hearing, must be sought by way of an appropriate written motion filed as far in advance of the deadline or setting as possible. Parties must clearly set forth good cause for the requested extension or continuance with particularity.

3. In a civil case, service on the client, as required by D.C.COLO.LCivR 6.1(c), must be noted in the Certificate of Service and must identify the individual(s) who received such service, including, if appropriate, the name and title of any individual who received service on behalf of a client that is not a natural person.

4. Absent a compelling reason: (a) no motion for an extension of time to file a document shall be considered unless it is filed on or before the original filing deadline date; and (b) no motion for continuance of a hearing shall be considered unless it is filed on or before the court business day preceding the original hearing date.

VI. PRE-TRIAL PROCEDURES

A. Obtaining a Trial Date

1. If no party seeks to file a motion for summary judgment, Counsel shall jointly contact chambers no later **than ten days after the close of discovery** to obtain dates for trial and for a trial preparation conference.

2. If summary judgment motions are filed, the parties shall jointly contact chambers no later **than 30 days after the court has issued a ruling on any summary judgment motions** to obtain a trial date and a date for a trial preparation conference.

3. The parties should contact chambers via email at rodriguez_chambers@cod.uscourts.gov. Emails to chambers requesting trial dates shall be sent during business hours on Tuesdays and shall include in the subject line: the case name, the case number, and "REQUEST FOR TRIAL DATE."

B. Final Pretrial Order

1. The Parties shall file a Proposed Pretrial Order no later than **90 days before the Trial Preparation Conference**.

C. Trial Preparation Conference

1. A trial preparation conference shall be held approximately six (6) weeks prior to trial.

2. Not later than one week prior to the Trial Preparation Conference, the parties shall submit the following:

c. Final witness Lists, including the proposed order of witnesses, the anticipated length of testimony, and the expertise of any testifying experts. The parties shall also advise the court whether any witnesses will appear by video.

d. Final exhibit lists

e. Deposition designations/objections: If any party objects to any deposition designations, the parties shall jointly file with the court a single marked-up transcript of their respectively designated deposition testimony. Plaintiff's designations shall be highlighted in **yellow** and Defendant's

designations shall be highlighted in **blue**. The parties shall also file a chart identifying the designation by page and line number and any objections to that designation. Objections must state the rule and a **short** statement of the basis for the objection

- f. **Proposed jury instructions:** To the maximum extent possible, the parties shall agree on one stipulated set of proposed jury instructions; only true conflict or uncertainty in binding substantive law should prevent such agreement.
 - i. To the extent that counsel are unable to agree on proposed instructions, they are to jointly submit a document identifying all disputed instructions, with a **brief** statement of dispute and each side's proposed language
 - ii. If counsel propose that the Court give an instruction other than the instruction that is provided in the applicable form jury instructions—e.g., for state law claims, the Colorado jury instructions—counsel must provide the proposed version and highlight any language which differs from the Colorado jury instruction. In addition, counsel must identify any case law and quote the specific portion of the case allowing for the proposed alteration or difference in the Colorado jury instruction.
 - iii. Where disputes exist, it is helpful for the Court to have an appendix, in chart form, of the disputed instructions that includes the following columns: (a) Disputed instruction number, (b) Plaintiff's proposed instruction, and (c) Defendant's Proposed instruction. The parties are not required to submit such a chart, but they may do so.
- g. **Final verdict forms**
- h. **Proposed voir dire:** Counsel should jointly submit any proposed voir dire questions **they are specifically requesting the Court ask the jury panel**. The Court will generally allow each party 15 minutes to conduct their own voir dire. The parties need not submit voir dire questions that they intend to ask themselves.

D. **Trial Briefs**

1. Trial briefs are permitted, but they are not required absent specific order. If filed, trial briefs shall not exceed **ten (10) pages** and shall be filed not later than **five (5) business days** before trial. Please flag evidentiary issues in a trial brief rather than by motion *in limine*. However, a trial brief may not be used as a belated substitute for a motion that must be filed as a motion.

VII. HEARINGS AND TRIALS

A. Exhibits

1. The parties shall jointly submit a single, joint list of exhibits. The form for filing exhibits is available online here: [Civil Exhibit List](#).
2. Each party must pre-mark all exhibits that will be used or identified for the record in a hearing or trial. Whenever possible, each party must provide a copy of each exhibit to opposing counsel or any pro se party before a hearing or before a trial pursuant to the Pretrial Order. Exhibits not timely pre-marked or exchanged before a hearing or trial may not be admitted. The case number shall appear on each exhibit sticker or label.
3. Exhibits must be bound, e.g., in three-ring notebooks or folders, and the notebook or folder labeled with the following information: (i) caption, (ii) nature of proceeding, (iii) scheduled date and time, and (iv) “original” or “copy.” If exhibits are not bound and labeled properly, the hearing or trial may be delayed or continued until they are.
4. Number of exhibits
 - i. Separate sets of bound exhibits shall be brought for (1) the Court and (2) the witness stand.
5. Before any hearing or trial, each party shall submit to the courtroom deputy clerk an original and two copies of the Witness List and Exhibit List preferred by the court. A Witness List template is available online here: [Witness List](#).

B. Hearings by Video Conference

1. For hearings by video or teleconference, please refer to the Cisco Meeting App Tips and Instructions for virtual hearings, available here: [CMA Tips](#), [CMA Instructions](#).

C. Recording of Proceedings

1. The realtime reporter assigned to the court is Terri Lindblom. Transcripts of proceedings may be ordered from Ms. Lindblom at terri_lindblom@cod.uscourts.gov. Requests for daily transcripts should be made at least thirty (30) days before the trial or hearing. Requests for

realtime should be made no later than seven (7) days prior to the trial or hearing. Further details can be obtained from Ms. Lindblom.

D. Testimony by Telephone or Video Conference

1. A party may request that testimony be presented by telephone or video conference at a trial or hearing. I will generally be amenable to allowing video testimony. Parties should meet and confer to reach agreement about proposed telephone or video conferences. A request for presentation of testimony by telephone or video conference shall be made by written motion or stipulation filed at least 7 days before the trial or hearing at which testimony is proposed to be taken by telephone or video conference. For hearings set with less than 7 days' notice, counsel should call chambers as early as possible once the hearing is set to advise of the intent to file such a motion, and thereafter should file the motion as far as possible in advance of the hearing date.

E. Glossary

1. Not later than **five (5) business days** before commencement of a hearing, a bench trial, a jury trial, or any other proceeding, counsel and any pro se party shall file and provide the court, the court reporter, the courtroom deputy clerk, opposing counsel, and any pro se party with a glossary of any difficult, unusual, scientific, technical, and/or medical jargon, words, names, terms and/or phrases.

F. Technology

1. The parties are responsible for ensuring that they are familiar with and have access to and/or have obtained all technology needed for any trial or hearing. For information about courtroom technology and trial preparation, please contact my Courtroom Deputy, Kally Myhaver, kally_myhaver@cod.uscourts.gov.