

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Regina M. Rodriguez**

**STANDING ORDER REGARDING TRIAL AND PRE-TRIAL PROCEDURES
(Effective December 1, 2022)**

It is hereby ORDERED that parties litigating before this Court must comply with following procedures for trial and for pre-trial preparations:

I. 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 (10) 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 thirty (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. 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."
4. Should the parties request a trial lasting longer than five (5) days, before a trial date can be set, counsel should be prepared to present argument to the Court as to why a trial longer than five (5) days is necessary.

B. Final Pretrial Order.

1. The Parties shall file via CM/ECF the Proposed Pretrial Order **no later than ninety (90) days before the Trial Preparation Conference.**
2. The form to be used for the Proposed Pretrial Order can be found on the District Court's website.

C. Trial Preparation Conference.

1. A trial preparation conference shall be held approximately six (6) weeks prior to trial.
2. Not later than seven (7) days prior to the Trial Preparation Conference, after substantively and meaningfully meeting and conferring, the parties shall file via CM/ECF the following:
 - a. **Witness List.** The parties shall submit a single, joint list of witnesses. It should include 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 they intend to request that any witnesses appear by video, pursuant to RMR Standing Order Regarding Trial and Pre-Trial Procedures II.D.1. (below). The form for the Witness List is available on the Court's website.
 - b. **Exhibit List.** The parties shall submit a single, joint list of exhibits. The form for the Exhibit List is available on the Court's website.
 - c. **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.
 - d. **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. For claims arising under Colorado state substantive law, the Court prefers to use the Colorado Jury Instructions – Civil. For employment claims arising under federal law, the Court prefers to use the Faculty of Federal Advocates Model Employment Law Jury Instructions. For other claims arising under federal law, the Court prefers to use the Federal Jury Practice and Instructions – Civil.

- ii. If counsel propose that the Court give an instruction other than the instruction that is provided in the applicable form jury instructions, counsel must provide the proposed version and **highlight** or **redline** any language which differs from the applicable form 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 from the applicable form jury instruction.
 - iii. Where disputes exist—e.g., where a proposed instruction is a “Competing” or “Non-Stipulated” instruction—each disputed instruction should contain, at the bottom of the instruction, a **brief** statement describing the dispute, identifying any supporting case law, and quoting the specific portion of the case supporting the parties’ respective position(s).
 - (A) “Competing” instructions are those instructions about which all parties agree that an instruction is necessary but disagree about the content of that instruction.
 - (B) “Non-Stipulated” instructions are those instructions requested by a party to which any other party objects but does not request/tender a competing instruction.
 - iv. It is helpful to the Court for the parties to provide a label at the bottom of each proposed instruction (immediately preceding the legal authority), identifying the proposed instruction as “Stipulated,” “Competing,” or “Non-Stipulated,” and, in the case of Competing or Non-Stipulated instructions, to also identify the party tendering the instruction (e.g., “Plaintiff’s Competing Instruction,” “Defendant’s Non-Stipulated Instruction”).
 - v. It is also 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) the language of Plaintiff’s proposed instruction, and (c) the language of Defendant’s proposed instruction.
- e. **Proposed Verdict Forms.**

- f. **Proposed Voir Dire.** Counsel should jointly file via CM/ECF any proposed voir dire questions **they are specifically requesting the Court to ask the jury panel.** The Court will generally allow each party 15 minutes to conduct their own voir dire. The parties need not propose to the Court any voir dire questions that they intend to ask themselves.

II. TRIAL PROCEDURES

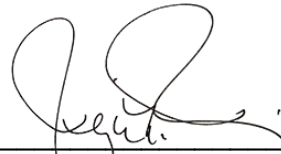
- A. **Trial Briefs.** Trial briefs are permitted, but they are not required absent specific order. If filed, trial briefs shall not exceed **ten (10) pages** and shall be filed no later than **five (5) business days** before trial. Please flag evidentiary issues in a trial brief rather than by motion *in limine*. However, a trial brief may not be used as a belated substitute for a motion that must be filed as a motion.
- B. Before a trial commences, each party shall submit to the Courtroom Deputy three paper copies each of the Witness List and Exhibit List.
- C. **Exhibits.**
 - 1. Each party must pre-mark all exhibits that will be used or identified for the record in a trial. The case number shall appear on each exhibit sticker or label. Whenever possible, each party must provide a copy of each exhibit to opposing counsel or any pro se party before a trial, pursuant to the Pretrial Order. Exhibits not timely pre-marked or exchanged before a trial may not be admitted.
 - 2. 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." Exhibit notebooks should be delivered to Chambers by 9:00 a.m. at least two (2) business days before commencement of a trial. If exhibits are not bound and labeled properly, the trial may be delayed or continued until they are.
 - 3. **Number of Exhibits.** Separate sets of bound exhibits shall be brought for (1) the Court and (2) the witness stand.

D. Testimony by Telephone or Video Conference.

1. A party may request that testimony be presented by telephone or video conference at a trial. The Court 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 seven (7) days before the trial at which testimony is proposed to be taken by telephone or video conference.
2. Please refer to the Cisco Meeting App Tips and Instructions for the use of telephone or video conference technology.
3. **Technology.** Pursuant to Civ. Practice Standard 43.1A(e), 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. For information about courtroom technology and trial preparation, please contact the Courtroom Deputy, Kally Myhaver, kally_myhaver@cod.uscourts.gov.

DATED: December 1, 2022

BY THE COURT:



REGINA M. RODRIGUEZ
United States District Judge

III. TABLE OF PRETRIAL/TRIAL DEADLINES

Note: This table is provided for the convenience of the parties appearing before Judge Rodriguez. It does not include all the dates and deadlines listed within the Court’s Civil Practice Standards and Standing Orders and is not a substitute for knowledge of and familiarity with those texts.

Deadline	Days Prior to/After	Reference to Applicable Practice Standard/Standing Order/Rule
After the Defendant’s Submission of a Responsive Pleading or Motion		
<p><i>For employment cases which challenge one or more employment actions alleged to be adverse, except the employment actions listed in Civ. Practice Standard 26.1A(b):</i></p> <p>The parties shall provide to one another the documents and information described in the Initial Discovery Protocols, located on the District Court’s website, for the relevant time period.</p>	30 days	Civ. Practice Standard 26.1A(c)
After the Deadline for the Disclosure of Rebuttal Witnesses		
File motions pursuant to Federal Rule of Evidence 702 and any motion to strike an expert on the basis of discovery violations.	30 days	Civ. Practice Standard 7.1C(a).
After the Close of Discovery		
<i>For cases, not including Social Security cases, in</i>	10 days	RMR Standing Order Regarding Rule 56 Motions II.A., III.A.

<p><i>which there is no pro se party:</i></p> <p>Notify the Court of intent to file motions pursuant to Fed. R. Civ. P. 56.</p>		
<p><i>Where the parties do not intend to file motions pursuant to Fed. R. Civ. P. 56:</i></p> <p>During business hours on a Tuesday, contact Chambers to obtain a trial date.</p>	10 days	RMR Standing Order Regarding Trial and Pre-Trial Procedures I.A.1., I.A.3.
File a Status Report regarding settlement discussions.	14 days	Civ. Practice Standard 16.6(a).
Prior to the Rule 56 Pre-Motion Hearing		
File the parties' joint chart of facts pertinent to any proposed motion pursuant to Fed. R. Civ. P. 56.	3 business days	RMR Standing Order Regarding Rule 56 Motions IV.A.
After a Ruling on Rule 56 Motions		
During business hours on a Tuesday, contact Chambers to obtain a trial date.	30 days	RMR Standing Order Regarding Trial and Pre-Trial Procedures I.A.2.–3.
Prior to the Trial Preparation Conference		
File the Proposed Pretrial Order.	90 days	RMR Standing Order Regarding Trial and Pre-Trial Procedures I.B.1.
Substantively meet and confer regarding: <ul style="list-style-type: none"> 1. Witness List 2. Exhibit List 3. Deposition Designations/Objections 	More than 7 days	RMR Standing Order Regarding Trial and Pre-Trial Procedures I.C.2.

4. Proposed Jury Instructions 5. Proposed Verdict Forms 6. Proposed Voir Dire		
File: 1. Witness List 2. Exhibit List 3. Deposition Designations/Objections 4. Proposed Jury Instructions 5. Proposed Verdict Forms 6. Proposed Voir Dire	7 days	RMR Standing Order Regarding Trial and Pre-Trial Procedures I.C.2.
Prior to Trial		
Provide to opposing counsel or any pro se party a copy of each exhibit.	30 days	RMR Standing Order Regarding Trial and Pre-Trial Procedures II.C.1; Form Proposed Final Pretrial Order and Instructions (found on the District Court's website).
Request daily transcripts from the Court Reporter.	30 days	Civ. Practice Standard 43.1A(c)(2).
File a motion requesting the presentation of testimony by telephone or video conference.	7 days	RMR Standing Order Regarding Trial and Pre-Trial Procedures II.D.1.
Request realtime transcripts from the Court Reporter.	7 days	Civ. Practice Standard 43.1A(c)(2).
File any trial briefs.	5 business days	RMR Standing Order Regarding Trial and Pre-Trial Procedures II.B.
File a glossary of any difficult, unusual, scientific, technical, and/or medical jargon, words, names, terms, and/or phrases.	5 business days	Civ. Practice Standard 43.1A(d)(1).

Deliver exhibit notebooks to Chambers by 9:00 a.m.	2 business days	RMR Standing Order Regarding Trial and Pre-Trial Procedures II.C.2.
Submit to the Courtroom Deputy three paper copies each of the: 1. Witness List 2. Exhibit List	Morning of the first day of trial	RMR Standing Order Regarding Trial and Pre-Trial Procedures II.B.
Submit three paper copies of the Glossary to the Courtroom Deputy, and submit additional paper copies of the Glossary to opposing counsel and any pro se party.	Morning of the first day of trial	Civ. Practice Standard 43.1A(d)(2).