

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO
UNIFORM CIVIL PRACTICE STANDARDS
OF**

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I. SCOPE, PURPOSE, AND CONSTRUCTION

Civ. Practice Standard 1.1 – Scope, Purpose, and Construction

- (a) **Applicability.** These Practice Standards apply to all civil actions pending before Judges Arguello, Rodriguez, Sweeney, Wang, Gallagher, and Crews at the time of this publication **regardless of when the action was first filed**. Unless otherwise indicated by a Judge’s initials under a specific Practice Standard, these are the Uniform Civil Practice Standards of Senior Judge Christine M. Arguello (CMA), Judge Regina M. Rodriguez (RMR), Judge Charlotte N. Sweeney (CNS), Judge Nina Y. Wang (NYW), Judge Gordon P. Gallagher (GPG), and Judge S. Kato Crews (SKC).
- (b) **Additional Applicable Rules.** Those appearing in the District Court must know and follow:
- (1) The Federal Rules of Civil Procedure;
 - (2) The Federal Rules of Evidence;
 - (3) The Local Rules of Practice of the United States District Court for the District of Colorado;
 - (4) The Electronic Case Filing Procedures (Civil Cases); and
 - (5) These Practice Standards.
- (c) 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.

Civ. Practice Standard 1.1A – Title and Citation

- (a) **Title.** These Practice Standards shall be known as the presiding Judge’s “Uniform Civil Practice Standards.”
- (b) **Citation.** These Practice Standards should be cited as Civ. Practice Standard, Section, Subsection, Paragraph, Subparagraph, Item, with reference to the presiding Judge’s initials (e.g., CMA Civ. Practice Standard 7.1D(b)(6)(B)).

II. COMMENCEMENT OF ACTION, SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS

Civ. Practice Standard 6.1A – Motions for Extension of Time

- (a) This Practice Standard is subject to D.C.COLO.LCivR 6.1(a), which governs extension by stipulation.

- (b) An extension of time to file a document must be sought by way of an appropriate written motion filed as far in advance of the deadline as possible. The moving party should clearly set forth good cause for the requested extension with particularity. Typically, the press of business does not constitute good cause for an extension of time.
- (c) 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.
- (d) 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.

Civ. Practice Standard 6.1B – Continuances of Hearings or Trials

- (a) A continuance of a hearing or trial must be sought by way of an appropriate written motion filed as far in advance of the proceeding as possible. Motions to continue (including motions to vacate or reset) hearings and trials shall be determined pursuant to D.C.COLO.LCivR 6.1 and 7.1; these Practice Standards; *Rogers v. Andrus Transp. Servs.*, 502 F.3d 1147, 1151 (10th Cir. 2007); and *United States v. West*, 828 F.2d 1468, 1469–70 (10th Cir. 1987).
- (b) Oral or written motions for continuance of a hearing or trial made on the date of the hearing or trial may not be entertained by the Court.
- (c) Stipulations for continuance shall not be effective unless and until approved by the Court.
- (d) The moving party should email Chambers at the time a written motion to continue is filed.

III. PLEADINGS AND MOTIONS

Civ. Practice Standard 7.1A – Motions – General Information

- (a) **Filing Requirements.**
 - (1) Parties shall submit a proposed order with any joint or unopposed motion. The proposed order in Word format is to be emailed to Chambers with the subject line containing “Proposed Order” and the case name and number and the motion docket number.
 - (2) Motions and all supporting arguments should be contained in a single document. Motions with separately filed briefs or memoranda are noncompliant.

- (3) All exhibits shall be filed as separate attachments to the corresponding motion, brief, or other document and shall be labeled in the CM/ECF system both by exhibit number or letter and by name (e.g., “Exhibit 1 – Doe Affidavit”).

CMA and RMR: Where a motion is supported by exhibits, said motion shall be accompanied by one consecutively numbered appendix, containing all exhibits and shall be referenced in the motion, response, and reply by appendix page number and name, e.g., (Movant’s Appx., p. 30 – Smith Affidavit). If the respondent needs to include additional exhibits not already contained in movant’s appendix, the respondent shall submit a respondent’s appendix, with the pages numbered consecutively. Respondent’s appendix shall be referenced by page number and name, e.g., (Respondent’s Appx., p. 10 – Jones Affidavit). If parties wish to file any supporting exhibits under restriction, they must be filed in accordance with Civ. Practice Standard 7.1A(c) below.

- (4) If a party files what it deems an “emergency” motion, it must email Chambers at the time the motion is filed, with the subject line containing “Emergency Motion” and the case name and number.
- (5) All requests for the Court to take distinct actions must be contained in separate, written motions. For instance, if a party seeks to move to dismiss and stay discovery pending the motion to dismiss, the party must file two separate motions. However, requests for complementary or alternative relief, such as multiple grounds for a motion to dismiss or in the alternative a motion for summary judgment, shall be included in a single motion. In other words, different bases for the same relief shall be filed in one motion, whereas requests for the Court to take different or distinct actions shall be filed in separate motions.
- (6) A request for the Court to take action shall NOT be included in a response or reply to the original motion. 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 motion pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to one for summary judgment; such a request should instead be included in the response to the Rule 12(b)(6) motion.

(b) Responses and Replies.

- (1) Unless otherwise ordered, for deadlines, see D.C.COLO.LCivR 7.1(d). Rule 6 of the Federal Rules of Civil Procedure controls the computation of time.

- (2) 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.
- (c) **Restricted Exhibit(s).** If any party believes that any of the exhibits in support of or in opposition to a party's motion should be filed under restriction, the party shall file a placeholder exhibit (if the entire exhibit is restricted) or a redacted exhibit (if only portions of the exhibit are restricted) as an attachment or in its appendix, noting that the restricted exhibit will be filed under restriction. The party must also file a motion to restrict public access pursuant to D.C.COLO.LCivR 7.2(c), explaining the need for the restriction and attaching the actual restricted exhibit(s).
- (d) **Untimely or Noncomplying Motions, Responses, or Replies.** Filings that are untimely, noncomplying, or filed without a certification when required under D.C.COLO.LCivR 7.1(a) or these Practice Standards may be denied without prejudice or stricken sua sponte.

Civ. Practice Standard 7.1B – Motions to Dismiss Pursuant to Fed. R. Civ. P. 12(b)

- (a) Unless otherwise ordered, each party shall be limited to the filing of a single motion to dismiss directed at the operative pleading.
- (b) Motions to dismiss filed under Federal Rule of Civil Procedure 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 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.
- (c) 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.

Civ. Practice Standard 7.1C – Motions Pursuant to Fed. R. Evid. 702

- (a) 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 thirty (30) days after the deadline for disclosure of rebuttal witnesses.

- (b) All motions filed under Rule 702 shall include the expert witness's report as an exhibit and specify, with particularity, the opinion(s) that 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.
- (c) Unless otherwise ordered, the expert witness whose testimony or opinion is proffered shall be present at the hearing.
- (d) Pursuant to Civ. Practice Standard 7.1A(a)(5), all challenges to an expert's testimony shall be made in a single motion, even if the moving party seeks to strike the expert's testimony on multiple grounds (e.g., under Rule 702 and Rule 26(a)(2) of the Federal Rules of Civil Procedure).

Civ. Practice Standard 7.1D – Motions for Summary Judgment Pursuant to Fed. R. Civ. P. 56

RMR: For cases pending before Judge Rodriguez, Civ. Practice Standard 7.1D shall not apply. Instead, please follow Judge Rodriguez's Standing Order Regarding Rule 56 Motions, available on the Court's website.

CNS: For cases pending before Judge Sweeney, a party may only file a motion under Civ. Practice Standard 7.1D after complying with Judge Sweeney's Standing Order Regarding Rule 56 Motions, available on the Court's website.

SKC: For cases pending before Judge Crews, Civ. Practice Standard 7.1D shall not apply. Instead, please follow Judge Crews' Standing Order Regarding Rule 56 Motions, available on the Court's website.

- (a) **Single Motion.** Absent leave of the Court, which will only be granted in exceptional circumstances, a party may file only one motion for summary judgment.
- (b) Due to the voluminous factual materials often submitted with Rule 56 motions, all such motions must comply with the following:
 - (1) In a section of the brief required by D.C.COLO.LCivR 56.1(a) styled "Statement of Undisputed Material Facts," the movant shall set forth in simple, declarative sentences, separately numbered and paragraphed, each material fact that the movant believes is not in dispute and that supports the movant's claim that movant is entitled to judgment as a matter of law.
 - (2) Each material fact must be accompanied by a specific reference to material in the record that establishes that fact. General references to pleadings, depositions, or documents are insufficient if the document is more than one page in length.

- (3) A general reference is sufficient only if the nature of the material fact does not permit a specific reference (e.g., “The contract contains no provision for termination.”).
 - (4) Any party opposing the motion for summary judgment shall, in a section of the brief styled “Response to Statement of Undisputed Material Facts,” admit or deny the movant’s asserted material facts. The admission or denial shall be made in separate correspondingly numbered paragraphs. Any denial shall be accompanied by a brief factual explanation of the reason(s) for the denial and a specific reference to material in the record supporting the denial.
 - (5) If the party opposing the motion believes that there are additional disputed questions of fact that have not been adequately addressed in the submissions made pursuant to subsection (4) above (e.g., disputed facts concerning an affirmative defense), the party shall, in a separate section of the brief styled “Statement of Additional Disputed Facts,” set forth in simple, declarative sentences, separately numbered and paragraphed, each additional, material disputed fact that undercuts the movant’s claim that it is entitled to judgment as a matter of law. Each such fact shall be accompanied by a specific reference to material in the record establishing the fact or demonstrating that it is disputed.
 - (6) Any reply brief must comply with the following:
 - (A) In a separate section styled “Reply Concerning Undisputed Facts,” the movant shall include any factual reply it cares to make regarding the facts asserted in its motion to be undisputed, supported by specific references to material in the record. The reply will be made in separate paragraphs numbered according to the motion and the opposing party’s response.
 - (B) In a separate section styled “Response Concerning Disputed Facts” (with respect to each fact that the opposing party, pursuant to subsection (5) above, claims to be in dispute), the movant shall either admit that the fact is disputed or supply a brief factual explanation for its position that the fact is undisputed, accompanied by a specific reference to material in the record establishing the fact is undisputed. This will be done in paragraphs numbered to correspond with the opposing party’s paragraph numbering.
 - (7) The sole purpose of these procedures is to establish facts and determine which of them are in dispute. Legal argument is not permitted here and should be reserved for separate portions of the briefs.
- (c) See D.C.COLO.LCivR 56.1(c) and Civ. Practice Standard 7.1A(a)(3) above regarding submission and marking of summary judgment exhibits.

- (d) Failure to follow these procedures may result in an order striking or denying the motion or brief, and it will have to be re-submitted. Repeated failures may result in an order granting other proper relief.

Civ. Practice Standard 7.2 – Public Access to Documents and Proceedings

- (a) 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 all of the factors set out in D.C.COLO.LCivR 7.2, even if the motions are stipulated. Failure to comply with D.C.COLO.LCivR 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.

Civ. Practice Standard 10.1 – Format of Pleadings and Documents Presented for Filing

- (a) **Font and Format.** All papers filed with the Court by anyone other than a judicial officer shall be double spaced and in Arial 12-point font.

SKC: All papers filed with Judge Crews should be double spaced and in Century Schoolbook 12-point font, excluding footnotes, which should remain in 12-point font but be single spaced.

(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 should be used to identify relevant excerpts from a document (e.g., to ECF page numbers or paragraph numbers).
- (3) Whenever practicable, citations to unpublished opinions should include a Westlaw® citation. If a Westlaw® citation does not exist, include the caselaw as an attachment.

SKC: For cases pending before Judge Crews, no caselaw need be attached if a LexisNexis® citation is provided.

(c) **Page Limitations.**

- (1) Excluding motions filed under Rule 56 of the Federal Rules of Civil Procedure; Objections to Magistrate Judge Recommendations and Orders and responses to Objections, which are addressed in Civ. Practice Standard 72.3(c); and motions and briefs filed in patent infringement, invalidity and unenforceability actions pursuant to D.C.COLO.LPtR 17, all motions, objections, responses, and concomitant briefs shall not exceed fifteen (15) pages. If the Court permits a party to file more than one Rule 12(b) motion pursuant to Civ. Practice Standard 7.1B(a), 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 pursuant to Civ. Practice Standard 7.1A(a)(2) 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.
 - (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.
 - (5) The Court will entertain motions for extensions of the page limit where appropriate and for good cause.
- (d) Notice of Supplemental Authority.** To the extent that new legal authority prompts one or more parties to file a Notice of Supplemental Authority, such Notice shall be limited to the identification and attachment of the new legal authority. A Notice of Supplemental Authority may identify the relevant issue, but may not include any additional or new argument. A Notice of Supplemental Authority may not be used to identify legal authority available at the time of the original filings of the papers.

Civ. Practice Standard 16.6 – Alternative Dispute Resolution

- (a) To facilitate settlement, no later than fourteen (14) days after the close of discovery, the parties shall file a Status Report regarding settlement discussions. Such Status Report shall reflect the efforts at settlement and the possibility of settlement, but should not include any details with respect to the substantive terms of settlement.
- (b) To the extent that parties seek to participate in a settlement conference before a Magistrate Judge, the parties must move for an order setting a settlement conference pursuant to D.C.COLO.LCivR 16.6. Prior to moving for such settlement conference, the parties must exchange at least one written demand and response to that demand, including monetary and non-monetary terms. The parties should be prepared to address why a settlement conference before the Court is more appropriate than private alternative dispute resolution.
- (c) If the parties reach a resolution of the case without Court assistance, they shall advise Chambers immediately by email. 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.

IV. PARTIES

[No Practice Standards]

V. DEPOSITIONS AND DISCOVERY

Civ. Practice Standard 26.1A – Employment Cases

- (a) This Court has adopted the Initial Discovery Protocols for Employment Cases Alleging Adverse Action (“Initial Discovery Protocols”) issued by the Advisory Committee on Federal Rules of Civil Procedure (see the Court’s website).
- (b) These Initial Discovery Protocols will apply in all employment cases filed in the District of Colorado that are assigned to this Court on or after August 1, 2022, and which challenge one or more employment actions alleged to be adverse, except:
 - (1) Class Actions;
 - (2) Cases in which the allegations involve only the following:
 - (A) Discrimination in hiring;
 - (B) Harassment/hostile work environment;
 - (C) Violations of wage and hour laws under the Fair Labor Standards Act;
 - (D) Failure to provide reasonable accommodations under the Americans with Disabilities Act;

- (E) Violations of the Family Medical Leave Act; or
 - (F) Violations of the Employee Retirement Income Security Act.
- (c) Parties and counsel shall comply with the Initial Discovery Protocols, located on the Court’s website. Within thirty (30) days following the Defendant’s submission of a responsive pleading or motion, the parties shall provide to one another the documents and information described in the Initial Discovery Protocols for the relevant time period. This obligation supersedes the parties’ obligations to provide initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure. The parties shall use the documents and information exchanged in accordance with the Initial Discovery Protocols to prepare the Rule 26(f) discovery plan.
- (d) The parties’ responses to the Initial Discovery Protocols shall comply with the Rule 26 obligations to certify and supplement discovery responses, as well as the form of production standards for documents and electronically stored information. As set forth in the Initial Discovery Protocols, this Initial Discovery is not subject to objections, except upon the grounds set forth in Rule 26(b)(2)(B).
- (e) If any party believes that there is good cause why a particular case should be exempted from the Initial Discovery Protocols, in whole or in part, that party may raise the issue with the Court.

VI. TRIALS

Civ. Practice Standard 43.1A – General Information

(a) Courtroom Decorum.

- (1) Creating a courtroom where all litigants, witnesses, and counsel feel welcome and respected is of utmost importance to this Court. In that regard, counsel are invited and encouraged to identify the applicable pronouns of counsel, litigants, and witnesses at the earliest juncture possible. This may be done in an initial signature block, in person at a conference or hearing, or in a witness list. Should the wrong pronoun be used, counsel are encouraged to bring that to the Court’s attention at the time, or through a subsequent email to Chambers.
- (2) All parties should observe the following courtroom decorum:
 - (A) Stand when the Judge enters or leaves the courtroom, when addressing the Court, and when the jury enters or leaves the courtroom;
 - (B) Request permission to approach the bench;
 - (C) Address the Judge as “Your Honor”;
 - (D) Refer to all other persons by their surnames, prefaced by the individual’s title (e.g., Dr., Agent, Officer, etc.) and applicable pronouns.

- (3) **Oaths.** Please note and advise all persons appearing with you in court, including co-counsel, paralegals, clients, witnesses, and spectators that oath-taking is treated formally in the courtroom. The Court will administer an oath to a jury or witness ONLY when all other activity in the courtroom has ceased. Attorneys are directed to observe the administration of the oath and to stop all other activity.
- (b) **Accessibility and Accommodations.** Counsel should bring any accessibility or disability accommodation issues to the attention of the Courtroom Deputy prior to any hearing or trial so the Court can ensure that all necessary accommodations are in place.
- (c) **Recording of Proceedings.**
 - (1) Transcripts of proceedings may be ordered by contacting the Court Reporter.
 - (2) Requests for daily transcripts should be made at least thirty (30) days before the trial or hearing. Requests for realtime transcription should be made no later than seven (7) days prior to the trial or hearing. Further details can be obtained from the Court Reporter.

CMA: Senior Judge Arguello does not have an assigned realtime Reporter or Courtroom Deputy. For information regarding the courtroom, including telephonic connection, courtroom equipment, technology, or to order a transcript, please send an email to Nicholas Richards at Nicholas_Richards@cod.uscourts.gov.

RMR: Sadie Herbert, Sadie_Herbert@cod.uscourts.gov

CNS: Sarah Mitchell, Sarah_K_Mitchell@cod.uscourts.gov

NYW: Darlene Martinez, Darlene_Martinez@cod.uscourts.gov, (303) 335-2312

GPG: Erin Valenti, Erin_Valenti@cod.uscourts.gov

SKC: Mary George, Mary_George@cod.uscourts.gov, (303) 296-2638

- (d) **Glossary.**
 - (1) Not later than five (5) business days before commencement of a hearing, a bench trial, a jury trial, or any other proceeding, the parties shall file a glossary of any difficult, unusual, scientific, technical, and/or medical jargon, words, names, terms and/or phrases.
 - (2) Before a hearing or trial commences, the parties shall submit to the Courtroom Deputy three paper copies of the Glossary and shall submit additional paper copies of the Glossary to opposing counsel and any pro se party.

- (e) **Technology.** 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 the Courtroom Deputy.

CMA: Senior Judge Arguello does not have an assigned realtime Reporter or Courtroom Deputy. For information regarding the courtroom, including telephonic connection, courtroom equipment, technology, or to order a transcript, please send an email to Nicholas Richards at Nicholas_Richards@cod.uscourts.gov.

RMR: Kally Myhaver, Kally_Myhaver@cod.uscourts.gov, (303) 335-2101

CNS: Julie Dynes, Julie_Dynes@cod.uscourts.gov, (303) 335-2054

NYW: Emily Buchanan, Emily_Buchanan@cod.uscourts.gov, (303) 335-2044

GPG: Donald Clement, Donald_Clement@cod.uscourts.gov, (970) 241-8932 (Ext. 8209)

SKC: Cathy Pearson, Cathy_Pearson@cod.uscourts.gov, (303) 335-2089

- (f) **Oral Argument.** The Court may set a matter for oral argument at the Court's discretion. The Court encourages counsel of record to ensure that more junior attorneys are afforded a meaningful opportunity to present arguments to the Court.

Civ. Practice Standard 43.1B – Trial

- (a) Please refer to the respective Judge's Standing Order found on the Court's website for information regarding setting the case for trial, pre-trial preparations, and trial procedures.

Civ. Practice Standard 43.1C – Exhibits

- (a) At least two business days before any hearing, the parties shall file via CM/ECF a single, joint Exhibit List. The form for Exhibit Lists is available on the Court's website.

CMA: At least two business days before any hearing, the parties must submit to Chambers via email a list of their proposed exhibits. Do NOT file the exhibit list via CM/ECF. With regard to the marking of exhibits and the use of exhibit binders for motions hearings, the parties must follow the procedures used for trials, which are set forth in the Court's Standing Order for Trial procedures found on the Court's website.

- (b) Before any hearing, each party shall submit to the Courtroom Deputy three paper copies of the Exhibit List.

- (c) Each party must pre-mark all exhibits that will be used or identified for the record in a hearing. The case number shall appear on each exhibit sticker or label. Copies of exhibits should be provided to opposing counsel or any pro se party as early as practicable before any hearing. Exhibits not timely pre-marked or exchanged before a hearing may not be admitted.

SKC: Plaintiff's exhibits should be marked using numbers. Defendant's exhibits should be marked using letters A through Z, then using A-1 through A-99, then B-1 through B-99, etc. The parties should avoid duplicate exhibits between their respective lists and should stipulate to the admissibility of as many exhibits as possible.

- (d) 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 business days before commencement of a hearing. If exhibits are not bound and labeled properly and timely, the hearing may be delayed or continued until they are.
- (e) **Number of Exhibits.** Separate sets of bound exhibits shall be brought for (1) the Court and (2) the witness stand.

CMA and SKC: Only one three-ring binder containing the original exhibits (for the witness box), together with a thumb/flash drive of the exhibits in PDF form, should be delivered to the Clerk's office (ATTN: Nicholas Richards) at least two business days before the commencement of a hearing.

NYW: Only one three-ring binder containing the original exhibits (for the witness box), together with two thumb/flash drives of the exhibits in PDF form, should be delivered to the Clerk's office (ATTN: Emily Buchanan) at least two business days before the commencement of a hearing.

Civ. Practice Standard 43.1D – Witnesses

- (a) At least two business days before any hearing, the parties shall file via CM/ECF a single, joint Witness List. The form for Witness Lists is available on the Court's website.

CMA: At least two business days before any hearing, the parties must submit to Chambers via email a single joint Witness list. Do NOT file the Witness list via CM/ECF.

- (b) Before any hearing, each party shall submit to the Courtroom Deputy three paper copies of the Witness List.

- (c) **Testimony by Telephone or Video Conference.** A party may request that testimony be presented by telephone or video conference at a trial or hearing. The Court will generally be amenable to allowing video testimony if the parties agree. 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 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.

VII. JUDGMENT

[No Practice Standards]

VIII. PROVISIONAL AND FINAL REMEDIES

[No Practice Standards]

IX. SPECIAL PROCEEDINGS

Civ. Practice Standard 72.3 – Objections to Magistrate Judge Recommendations

- (a) “[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).
- (b) 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.

- (c) All Objections to Magistrate Judge Recommendations and Orders 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.
- (d) A party generally may not file a response to an Objection to Magistrate Judge Order on a non-dispositive issue. Should a party seek leave to file a response to an Objection to a Magistrate Judge Order on a non-dispositive issue, the party shall seek leave within three (3) business days of the filing of the Objection discussing the reasons why a response is necessary. Should leave be granted to file such a response to an Objection, such response must be limited to issues raised by the original Objection.

X. DISTRICT COURT AND CLERK

Civ. Practice Standard 77.2 – Communication with Chambers

- (a) 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 Chambers.

CMA: Scheduling. Do NOT call or come to Chambers to schedule a hearing or trial. To schedule a hearing or trial, after conferring with opposing counsel, one party should send an email to Chambers (Arguello_Chambers@cod.uscourts.gov), with a copy to opposing counsel.

SKC: Do NOT call or come to Chambers. You may contact Chambers **only** by a **joint email** to crews_chambers@cod.uscourts.gov

- (b) All emails to Chambers should include the case name and number in the subject line of the email and should copy all involved parties on the email.
- (c) You may be directed to transmit proposed orders or other pleadings or papers to Chambers by email. The proposed order or document should be submitted as an attachment to the email in Word format unless otherwise specified. The email message should identify the case number and document attached. Please do not send documents directly to Chambers by facsimile or email unless requested or ordered to do so by the Court.

XI. GENERAL PROVISIONS

[No Practice Standards]