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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

	,)	No. CV-
vs.	Plaintiff(s),)	ORDER SETTING
	,)	FINAL PRETRIAL CONFERENCE
	Defendant(s).)	

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court enters the following Order.

IT IS ORDERED:

I. FINAL PRETRIAL CONFERENCE

A Final Pretrial Conference is set for **Month Day, Year**, before the Honorable Judge Steven P. Logan, United States District Judge, in Courtroom 501, Sandra Day O'Connor United States Courthouse, 401 West Washington Street, Phoenix, Arizona 85003. Counsel who will be responsible for trial of the lawsuit for each party, and any party that is not represented by counsel, shall appear and participate in the Final Pretrial Conference. The parties shall bring their calendars in preparation to discuss trial scheduling.

II. JOINT PROPOSED FINAL PRETRIAL ORDER

The parties shall develop and exchange drafts of the Joint Proposed Final Pretrial Order no later than **fourteen (14) days** before the submission deadline. The Joint

1 Proposed Final Pretrial Order shall include, but not be limited to, the content prescribed
2 in **Attachment A**.

3 The parties shall *jointly* file the Joint Proposed Final Pretrial Order with the Clerk
4 of Court no later than **Month Day, Year**.¹ The parties shall also email the Joint Proposed
5 Final Pretrial Order to Logan_Chambers@azd.uscourts.gov in Microsoft Word[®] format.

6 **III. JURY TRIAL PLEADINGS**

7 If the case is to be tried by jury, contemporaneously with the filing of the Joint
8 Proposed Final Pretrial Order, the parties shall also *jointly* file with the Clerk of Court,
9 and email to Logan_Chambers@azd.uscourts.gov in Microsoft Word[®] format, each of the
10 following:

11 **1. Joint Stipulated Description of the Case**

12 The parties shall jointly file as a separate pleading a stipulated description of the
13 case to be read to the jury. If the parties have any disagreement about the statement, the
14 party objecting shall state the reason for its objection below the statement and offer an
15 alternative statement.

16 **2. Joint Proposed Voir Dire Questions and Lists**

17 The parties shall jointly file as a separate pleading Joint Proposed Voir Dire. The
18 parties shall use the Court's proposed set of voir dire questions in **Attachment B**, and
19 supplement them as appropriate. The parties shall place an asterisk (*) next to the
20 questions added. Supplemental questions shall be drafted in a neutral manner. The parties
21 shall be limited to proposing six (6) supplemental questions each, or twelve (12)
22 questions in total.

23 In the section entitled "Witnesses and Third Parties" the parties shall *jointly list*
24 the name of every witness who may be called at trial. (*See* Attachment B, Question 6.a.)
25 The parties shall also *jointly list* the name of any third party *materially relevant to this*

27 ¹ Preparation and lodging of the Joint Proposed Final Pretrial Order and Trial
28 Pleadings in accordance with the requirements of this Order shall be deemed to satisfy
the disclosure requirements of Rule 26(a)(3) of the Federal Rules of Civil Procedure.

1 case (but who will not be called as a witness) whose relationship with a juror could affect
2 their ability to serve fairly and impartially. (*See* Attachment B, Question 6.b.)

3 To the extent possible, the parties shall stipulate to the proposed voir dire
4 questions. If the parties have any disagreement about a particular question, the party
5 objecting shall state the reason for its objection below the question.

6 **3. Joint Proposed Jury Instructions**

7 The parties shall jointly file as a separate pleading Joint Proposed Jury Instructions
8 as follows.

9 *Form of Proposed Instructions:* The parties shall include the full text of each
10 instruction with source citations, including model and standardized instructions. Each
11 proposed instruction shall begin on a new page. The proposed instructions shall be set
12 forth in two sections:

13 (A) *Preliminary Instructions:* The parties shall set forth the preliminary
14 instructions to be read to the jury before opening statements. The parties
15 shall set forth the instructions in the order in which they propose them to be
16 read to the jury.

17 (B) *Final Instructions:* The parties shall set forth the final instructions to be
18 read to the jury after closing arguments. The parties shall set forth the
19 instructions in the order in which they propose them to be read to the jury.
20 If either party seeks to have any preliminary instruction repeated as part of
21 the final instructions, that instruction should be restated.

22 *Stipulated or Disputed:* At the top of each instruction, the parties should indicate
23 whether the instruction is stipulated-to or disputed. If the instruction is disputed, the party
24 proposing the instruction shall state its authority to support the requested instruction. The
25 party opposing the instruction shall state all objections to such instruction immediately
26 following the instruction and the opposing party's authority for such objection. If the
27 opposing party offers an alternative instruction, such alternative instruction shall
28 immediately follow the opposing party's objection. The opposing party may *not* submit a

1 new instruction on the topic rather than offer an alternative instruction to the proposing
2 party's instruction.²

3 *Noncompliance:* Absent a showing of good cause, the failure to: (1) submit a
4 proposed instruction; (2) follow these directions; or (3) make a timely objection as
5 provided by this Order shall result in the instruction being refused or the objection being
6 deemed waived.

7 **4. Joint Proposed Forms of Verdict**

8 The parties shall file as a separate pleading Joint Proposed Forms of Verdict. The
9 proposed form of verdicts to be given to the jury at the end of the trial shall include any
10 proposed special verdict forms or juror interrogatories. If the parties have any
11 disagreement about the form of verdict, the party objecting shall state the reason for its
12 objection below the proposed verdict and offer an alternative verdict.

13 **IV. BENCH TRIAL PLEADINGS**

14 **Proposed Findings of Fact and Conclusions of Law.** If the case is to be tried by
15 the Court (Bench Trial), contemporaneously with the filing of the Joint Proposed Final
16 Pretrial Order, *each party* shall file with the Clerk of Court Proposed Findings of Fact
17 and Conclusions of Law. The parties shall also email the Proposed Findings of Fact and
18 Conclusions of Law to Logan_Chambers@azd.uscourts.gov in Microsoft Word[®] format.

19 **V. MOTIONS IN LIMINE**

20 If the case is to be tried by jury, the parties shall file and serve *all* Motions in
21 Limine no later than **Month Day, Year**. Responses to Motions in Limine are due no
22 later than **Month Day, Year**. The motions and responses must be concise and shall not
23 exceed three (3) pages in length. No replies shall be filed.

24 Each motion in limine shall include the legal basis supporting it and the proposed
25 language for the order in limine being sought from the Court. The proposed language
26 shall state with precision the evidence that is subject to the proposed order and the

27 ² If the parties cannot agree who should be the proposing party, the default
28 proposing party is Plaintiff.

1 limitation or exclusion placed on the evidence. The parties shall be prepared to argue the
2 merits of such motions at the Final Pretrial Conference.

3 **VI. EXHIBITS**

4 No later than **fourteen (14) days** before the submission deadline for the Joint
5 Proposed Final Pretrial Order, the parties shall meet in person and exchange marked
6 copies of all exhibits to be used at trial. While meeting to exchange exhibits, the parties
7 shall eliminate any duplicate exhibits. The numbering of the exhibits as listed in the Joint
8 Proposed Final Pretrial Order shall correspond to the numbering of the exhibits at trial.
9 Any exhibit not marked and exchanged at this meeting shall be precluded at trial.³

10 Exhibits shall be delivered to the Courtroom Deputy no later than **48 hours** prior
11 to trial. Impeachment exhibits shall be delivered to the Courtroom Deputy on the **first**
12 **day of trial** (not the day a witness testifies). A courtesy copy of the exhibits shall be
13 provided to the Court at the time of the delivery of the trial exhibits. The parties shall
14 mark, list, and deliver exhibits in the manner prescribed in **Attachment C**.

15 During trial, the parties shall advise the Courtroom Deputy in advance which
16 exhibits will be needed for each witness. All exhibits shall be shown to opposing counsel
17 before being offered.

18 **VII. DEPOSITIONS**

19 Portions of depositions to be used at trial shall be delivered to the Courtroom
20 Deputy no later than **48 hours** prior to trial. Depositions shall be submitted in the manner
21 as prescribed in **Attachment C**.

22 **VIII. EXHIBIT AND WITNESS LISTS**

23 Exhibit and Witness Lists shall be emailed to the Courtroom Deputy at
24 Christine_Boucher@azd.uscourts.gov no later than **five (5) days** prior to trial. The parties
25 shall complete and provide such lists in the manner prescribed in **Attachment C**.

26 **IX. INFORMATION FOR THE COURT REPORTER**

27 _____
28 ³ The parties shall be permitted to use Microsoft Powerpoint[®] presentations during
their openings statements and closing arguments.

1 A "Joint Notice to Court Reporter" shall be emailed to Court Reporter at
2 Candy_Potter@azd.uscourts.gov no later than **seven (7) days** prior to trial. The Notice
3 shall contain the following information:

4 1. *Trial Terms and Names:*

- 5 a. Proper names, including those of witnesses;
- 6 b. Acronyms;
- 7 c. Geographic locations;
- 8 d. Technical (including medical) terms, names or jargon;
- 9 e. Case names and citations; and
- 10 f. Pronunciation of unusual or difficult words or names;

11 2. *Feed and Transcript:* Whether either party requests a real-time feed and/or
12 daily transcript of trial proceedings; and

13 3. *Deposition(s):* Concordance from key depositions.

14 **X. SETTLEMENT**

15 The parties shall keep the Court informed of the possibility of settlement and,
16 should settlement be reached, the parties shall promptly present a Stipulation and Order
17 of Dismissal for signature by the Court. Mere Notice of Settlement or notification by
18 phone or email of settlement shall not suffice to vacate the trial date, nor excuse the
19 parties from being ready and able to proceed with trial at the time and on the date set for
20 trial. Should the parties untimely request dismissal the day of trial, sanctions may be
21 imposed, such as imposition of jury administrative costs.

22 **ADVISAL BY THE COURT**

23 Pursuant to Rule 37(c) of the Federal Rules of Civil Procedure, the Court will not
24 allow the parties to offer an exhibit, a witness, or other information at trial that was not:
25 (1) disclosed in accordance with the provisions of this Order; (2) disclosed in accordance
26 with the provisions of the Federal Rules of Civil Procedure; and (3) listed in the Joint
27 Proposed Final Pretrial Order, unless the offering party can show good cause as to why
28 such party failed to comply with these requirements.

ATTACHMENTS

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Attachment A	Joint Proposed Final Pretrial Order
Attachment B	Voir Dire Questions
Attachment C	Exhibit and Trial Material Instructions
Attachment C-1	Exhibit List Form
Attachment C-2	Witness List Form
Attachment C-3	Exhibit Cover Sheet

ATTACHMENT A

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

)	No. CV-
	,)	
	Plaintiff(s),)	JOINT PROPOSED
vs.)	FINAL PRETRIAL ORDER
	,)	
	Defendant(s).)	
<hr style="border: 0.5px solid black;"/>			

The following is the Joint Proposed Final Pretrial Order to be considered at the Final Pretrial Conference set for _____.

1. TRIAL COUNSEL FOR THE PARTIES

- A. Plaintiff(s):
- B. Defendant(s):

Note: The name(s), mailing address, email address(es), office phone number and facsimile number shall be included for each party.

2. STATEMENT OF JURISDICTION

- A. Cite the statute(s) which gives this Court jurisdiction.

Example: Jurisdiction in this case is based on diversity of citizenship under 28 U.S.C. § 1332.

- B. State whether jurisdiction is or is not disputed.

Note: If jurisdiction is disputed, the party contesting jurisdiction shall set forth with specificity the bases for the objection.

1 **3. STIPULATIONS AND UNCONTESTED FACTS AND LAW**

2 **A.** The following material facts are admitted by the parties and require no
3 proof:

4 **B.** The following material facts, although not admitted, will not be contested at
5 trial by evidence to the contrary:

6 **C.** The following issues of law are uncontested and stipulated to by the parties:

7 *Note:* Statements shall not be in the form of a question, but shall be a concise
8 narrative statement of each party's contention as to each uncontested and contested issue.

9 **4. CONTESTED ISSUES OF FACT AND LAW**

10 **A.** The following are the material issues of fact to be tried and decided:

11 *Note:* Statements shall not be in the form of a question. Each issue of fact must be
12 stated separately and in specific terms. Each party's contention must be set forth with
13 respect to each and every issue of fact.

14 *Example:*

15 Issue #1: Whether Plaintiff used due care.

16 Plaintiff Contends: Plaintiff looked both ways before crossing street

17 Defendant Contends: Plaintiff ran out into the street without looking

18 **B.** The following are the issues of law to be determined:¹

19 *Note:* Statements shall not be in the form of a question. Each issue of law must be
20 stated separately in specific terms. Each party's contention must be set forth with respect
21 to each and every issue of law.

22 *Example:*

23 Issue #1: Whether Plaintiff's suit is barred by the doctrine of laches.

24 Plaintiff Contends: . . .

25 Defendant Contends: . . .

26
27 ¹ Contested Issues of Law: As to any issue of law, a party may file a short trial brief
28 (not to exceed five pages) on the issue of law contemporaneously with the filing of the
Joint Proposed Final Pretrial Order.

1 **5. LIST OF WITNESSES**

2 **A.** Each party shall *separately* list the names of witnesses,² their addresses,
3 whether they are fact or expert witnesses, and a brief description of the testimony of each
4 witness. The witnesses shall be grouped as follows:

- 5 (i) witnesses who shall be called at trial;
- 6 (ii) witnesses who may be called at trial; and
- 7 (iii) witnesses who are unlikely to be called at trial.

8 **B.** The parties shall include the following text in this section of the Joint
9 Proposed Final Pretrial Order:

10 Each party hereby acknowledges by signing this Joint
11 Proposed Final Pretrial Order that it is responsible for
12 ensuring that the witnesses it wishes to call to testify are
13 subpoenaed. Each party further understands that any witness
14 a party wishes to call shall be listed on that party's list of
15 witnesses; the party cannot rely on the witness having been
16 listed or subpoenaed by another party.

14 **6. LIST OF EXHIBITS**

15 **A.** The following exhibits are admissible in evidence and may be marked in
16 evidence by the Courtroom Deputy:

- 17 Plaintiff(s) Exhibits:
- 18 Defendant(s) Exhibits:

19 **B.** As to the following exhibits, the parties have reached the following
20 stipulations:

- 21 Plaintiff(s) Exhibits:
- 22 Defendant(s) Exhibits:

23 **C.** As to the following exhibits, the party against whom the exhibit is to be
24 offered objects to the admission of the exhibit and offers the objection stated below:
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28 ² The parties shall not list witnesses which will be used *only* for impeachment purposes.

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Plaintiff(s) Exhibits:

Example:

Exhibit No. 6: City Hospital records of Plaintiff from March 6, 1985

Objection: Defendant objects for lack of foundation because (the objection must specify why there is a lack of foundation)

Defendant(s) Exhibits:

Example:

Exhibit No. 10: Payroll records of Plaintiff’s employer which evidence payment of Plaintiff’s salary during hospitalization and recovery.

Objection: Plaintiff objects on grounds of relevance and materiality because... (the objection must specify why the exhibit is not relevant or material)

D. The parties shall include the following text in this section of the Joint Proposed Final Pretrial Order:

Each party hereby acknowledges by signing this Joint Proposed Final Pretrial Order that any objections not specifically raised herein are waived.

7. LIST OF DEPOSITIONS

A. The parties shall list the depositions that may be used at trial. The portions to be read or submitted at trial shall be identified by page and line number. Counter-designations (if any) to proposed deposition testimony shall also be listed in this section.

B. The parties shall include the following text in this section of the Joint Proposed Final Pretrial Order:

Each party hereby acknowledges by signing this Joint Proposed Final Pretrial Order that any deposition not listed as provided herein will not be allowed at trial, absent showing of good cause.

8. MOTIONS IN LIMINE

A. *Jury Trial:* The parties shall include this section in the Joint Proposed Final

1 Pretrial Order if this case is to be tried by jury.

2 **B.** Motions in Limine shall be filed as separate pleadings and responded to in
3 accordance with the instructions contained in the Order Setting Final Pretrial Conference.

4 **C.** The parties shall include the following text in this section of the Joint
5 Proposed Final Pretrial Order:

6 Each party hereby acknowledges by signing this Joint
7 Proposed Final Pretrial Order that Motions in Limine [have
8 been/will be] filed separately and responded to in accordance
9 with the Order Setting Final Pretrial Conference.

9 **9. LIST OF PENDING MOTIONS**

10 List all pending motions other than separately filed Motions in Limine.

11 **10. JURY DEMAND**

12 State whether a jury trial has or has not been requested. If a jury trial has been
13 requested, indicate the appropriate selection:

14 **A.** The parties stipulate that the request was timely and properly made;

15 **B.** The parties stipulate that the request was timely and properly made, but
16 *jointly* withdraw any demand for jury trial and *jointly* consent to try this case to the Court
17 (Bench Trial);

18 **C.** The (Plaintiff or Defendant) contends that the request was untimely made
19 because... (explain why request was untimely); or

20 **D.** The (Plaintiff or Defendant) contends that although the request for trial by
21 jury was timely, the request is otherwise improper as a matter of law because... (indicate
22 the legal basis for why a jury trial is improper)

23 **11. JURY TRIAL PLEADINGS**

24 **A.** *Jury Trial:* The parties shall include this section in the Joint Proposed Final
25 Pretrial Order if this case is to be tried by jury.

26 **B.** *Joint Proposed Jury Instructions, Joint Proposed Voir Dire Questions and*
27 *Lists, and Joint Proposed Forms of Verdict.* The parties shall *jointly* file as *separate*
28 pleadings Joint Proposed Jury Instructions, Joint Proposed Voir Dire Questions and Lists,

1 and Joint Proposed Forms of Verdict in accordance with the instructions contained in the
2 Order Setting Final Pretrial Conference.

3 C. The parties shall include the following text in this section of the Joint
4 Proposed Final Pretrial Order:

5 Each party hereby acknowledges by signing this Joint
6 Proposed Final Pretrial Order that Joint Proposed Jury
7 Instructions, Joint Proposed Voir Dire Questions and Lists,
8 and Joint Proposed Forms of Verdict have been filed
separately in accordance with the Order Setting Final Pretrial
Conference and are incorporated herein by reference.

9 **12. BENCH TRIAL PLEADINGS**

10 A. *Bench Trial*: The parties shall include this section in the Joint Proposed
11 Final Pretrial Order if this case is to be tried by the Court.

12 B. *Proposed Findings of Fact and Conclusions of Law*. Each party shall file as
13 a *separate* pleading Proposed Findings of Fact and Conclusions of Law in accordance
14 with the instructions contained in the Order Setting Final Pretrial Conference.

15 C. The parties shall include the following text in this section of the Joint
16 Proposed Final Pretrial Order.

17 Each party hereby acknowledges by signing this Joint
18 Proposed Final Pretrial Order that Proposed Findings of Fact
19 and Conclusions of Law have been filed separately by each
party in accordance with the Court's Order Setting Final
Pretrial Conference and are incorporated herein by reference.

20
21 **13. ESTIMATED LENGTH OF TRIAL**

22 ___ hours – Jury Selection (if applicable)

23 ___ hours – Opening Statements

24 ___ hours – Plaintiff's Case (including rebuttal, if any)

25 ___ hours – Defendant's Case

26 ___ hours – Closing arguments

27 ___ hours – Total

28

1 **14. PROPOSED TRIAL DATES**

2 The parties shall propose at least two blocks of trial dates within 120 days of the
3 date of the Final Pretrial Conference. Trial will not be held on Mondays, and therefore no
4 proposed start date should be a Monday.

5 **15. PROCEDURES FOR EXPEDITING TRIAL**

6 The parties shall discuss and report on all available procedures that might be used
7 to expedite trial, including but not limited to: (A) presenting stipulated summaries of
8 deposition testimony rather than reading deposition excerpts; (B) editing videotaped
9 depositions to limit the amount of time required for presentation; (C) using summary
10 exhibits in place of voluminous documentary evidence; (D) stipulations on authenticity
11 and foundation; (E) presenting direct expert testimony through summary or written
12 reports; (F) using the courtroom technology to expedite the presentation of evidence.

13 **16. CERTIFICATIONS**

14 The parties shall include the following text in this section of the Joint Proposed
15 Final Pretrial Order:

16 By signing this Joint Proposed Final Pretrial Order, the
17 undersigned counsel for each of the parties in this action do
 hereby certify and acknowledge the following:

- 18 **1.** All discovery has been completed.
- 19 **2.** The identity of each witness has been disclosed to
20 opposing counsel.
- 21 **3.** Each exhibit list herein: (1) is in existence; (2) is
22 numbered; and (3) has been disclosed and shown to
 opposing counsel.
- 23 **4.** The parties have complied *in all respects* with the
24 mandates of the Court's Rule 16 Case Management Order and
 the Order Setting Final Pretrial Conference.
- 25 **5.** The parties have made all of the disclosures required
26 by the Federal Rules of Civil Procedure (unless otherwise
 previously ordered to the contrary).
- 27 **6.** The parties acknowledge that once this Joint Proposed
28 Final Pretrial Order has been signed and lodged by the
 parties, no amendments to the Order can be made without
 leave of Court.

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17. MODIFICATION OF FINAL PRETRIAL ORDER

The parties shall include the following text in this section of the Joint Proposed Final Pretrial Order:

Each party hereby acknowledges by signing this Joint Proposed Final Pretrial Order that the Court may, in order to prevent manifest injustice or for good cause shown, at the trial of the action or prior thereto upon application of counsel for either party, made in good faith, or upon the motion of the Court, modify the Final Pretrial Order upon such conditions as the Court may deem just and proper.

APPROVED AS TO FORM AND CONTENT:

Attorney for Plaintiff(s)

Attorney for Defendant(s)

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ATTACHMENT B
CIVIL VOIR DIRE QUESTIONS

1. Statement of the Case

- a. Have any of you read or heard anything about this case from any source whatsoever?
- b. Given this brief description of the facts, is there anything about this case that would cause you to believe that you could not consider the evidence fairly and impartially according to the law?

2. Plaintiff(s)

- a. Plaintiff and Plaintiff's Counsel please stand.
- b. The Plaintiff in this case is Name. Plaintiff is represented by Firm.
- c. Do any of you know these individuals on any basis, social, professional or otherwise?
- d. Do any of you know any of the employees in counsel's office on any basis, social, professional or otherwise?
- e. (If Plaintiff is a business) Have any of you ever had a business or employment relationship of any kind with Plaintiff?

3. Defendant(s)

- a. Defendant and Defendant's Counsel please stand.
- b. The Defendant in this case is Name. Defendant is represented by Firm.
- c. Do any of you know these individuals on any basis, social, professional or otherwise?
- d. Do any of you know any of the employees in counsel's office on any basis, social, professional or otherwise?
- e. (If Defendant is a business) Have any of you ever had a business or employment relationship of any kind with Defendant?

4. Jurors

- a. Did anyone among this jury panel know each other, or work together or serve

1 on jury panels together before assembling here today?

2 5. Time Qualify & Hardship

- 3 a. I expect to conduct trial on these dates and times:
- 4 b. Would the length of the trial create an undue hardship for any of you?
- 5 c. Does anyone have any problem with vision, hearing, or anything that would
- 6 cause you to have difficulty from observing and sitting for long periods of
- 7 time?
- 8 d. Do any of you have any other physical difficulty, health problems, or home
- 9 problems that might interfere with your ability to serve as a juror in this case?

10 6. Witnesses and Third Parties

- 11 a. During the trial of this case, witnesses may be called to testify on behalf of the
- 12 parties. Do any of you know or have you ever heard of any of these people?
- 13 b. Do any of you know or have you ever heard of any of these people?
- 14 c. (If response is yes) Would your knowledge or experience with any of these
- 15 parties or organizations affect your ability to serve fairly and impartially in this
- 16 case?

17 7. Prior Litigation & Relevant Past

- 18 a. Have any of you or members of your family been a party or witness in any
- 19 litigation (excluding domestic relations, traffic, or probate)?

20 8. Legal Knowledge and Application

- 21 a. This is a civil case which is to be decided by the preponderance of the
- 22 evidence. This is different from a criminal case where the government has to
- 23 prove its case beyond a reasonable doubt. Does anyone have a problem
- 24 applying a lower burden of proof than used in a criminal case?
- 25 b. Do any of you or any of the members of your family have any legal training?
- 26 c. I will instruct you on the law at the conclusion of the case. If selected as a
- 27 juror, you will take an oath to follow the law. Do any of you think you would
- 28 have trouble following the law if you disagree with it?

- 1 d. If selected as a juror, would any of you have trouble rendering a verdict based
2 solely on the evidence presented during the trial, setting aside any personal
3 beliefs, opinions, or biases you might have?
4 e. Do any of you have strong feelings either for or against a party who brings a
5 lawsuit?

6 9. Easel Questions

- 7 a. Starting with Juror Number One, please stand and answer the questions.

- 8 (1) Juror number
9 (2) The general location of your residence
10 (3) Length of time at current residence
11 (4) Education after high school, if any. State your major
12 (5) Marital status
13 (6) Number of children. Ages of children if under 18
14 (7) Employment
15 Yourself – current job and types of jobs throughout lifetime
16 Spouse – current job and types of jobs throughout lifetime
17 (8) Prior jury service – civil or criminal

18 10. Final Questions

- 19 a. Does anyone have any other reason whatsoever that they believe will preclude
20 him or her from serving as a fair and impartial juror in this case?
21 b. Counsel for Plaintiff, do you have any further questions at this time?¹
22 c. Counsel for Defendant, do you have any further questions at this time?

23 11. Private Questions

- 24 a. If a juror wishes to answer a question privately, he or she will be requested, by
25 number, to remain in the courtroom during recess.

26 ¹ At this stage, the parties may only ask follow-up questions to the responses
27 generated by the jurors. In other words, counsel may not propound new questions to the
28 entire panel (e.g., “do any of you” or “has anyone...”). If there are new questions to be
addressed that not were previously submitted to the Court, the parties may request
permission by sidebar.

1 **ATTACHMENT C**

2 **EXHIBIT AND TRIAL MATERIAL INSTRUCTIONS**

3 **THE PARTIES ARE RESPONSIBLE FOR THE MARKING AND LISTING**
4 **OF EXHIBITS, NOT THE COURTROOM DEPUTY, AND DELIVERY OF**
5 **EXHIBITS AND OTHER TRIAL MATERIALS AS FOLLOWS.**

6 **1. Delivery**

7 As set forth by the Order Setting Final Pretrial Conference, trial exhibits and
8 deposition transcripts shall be delivered to the Courtroom Deputy no later than **48 hours**
9 prior to trial. The parties shall arrange a time with the Courtroom Deputy for the delivery
10 of the trial materials. The Courtroom Deputy may be contacted as follows:

11 *Courtroom Deputy:* Christine Boucher

12 *Phone:* (602) 322-7235

13 *Email:* Christine_Boucher@azd.uscourts.gov

14 **2. Exhibit Lists**

15 As set forth in the Order Setting Final Pretrial Conference, exhibit lists shall be
16 emailed to the Courtroom Deputy no later than **five (5) days** prior to trial. At the time of
17 delivery of the exhibits, the parties shall provide the Courtroom Deputy with one (1)
18 original and two (2) copies of the exhibit list(s). The parties shall not provide the
19 Courtroom Deputy with a copy of the Final Pretrial Order in lieu of the exhibit list.

20 Exhibits may be listed on the exhibit list attached or in a Microsoft Word[®]
21 document that mirrors the same format. Be sure to leave enough space to add additional
22 information, such as subparts and additional exhibits. Each page shall be completed to
23 the end or finished with blank blocks. Extra blank pages for the exhibit lists should also
24 be provided. The exhibit number and description should start the top of each block. *Use*
25 *brief descriptions.*

26 **3. Witness Lists**

27 As set forth in the Order Setting Final Pretrial Conference, witness lists shall be
28 emailed to the Courtroom Deputy no later than **five (5) days** prior to trial. At the time of

1 delivery of the exhibits, the parties shall also provide the Courtroom Deputy with one (1)
2 original and two (2) copies of the witness list(s). The parties shall not provide the
3 Courtroom Deputy with a copy of the Final Pretrial Order in lieu of the witness list.

4 Witnesses may be listed on the witness list attached or in a Microsoft Word®
5 document that mirrors the same format. Provide the full name of each witness and list
6 them in alphabetical order. Names should be at the top of the block and extra spaces
7 provided at the end of the list. Extra blank pages for the witness lists should also be
8 provided.

9 **4. Numbering of Exhibits**

10 The parties shall number the exhibits. Court time will not be used for the marking
11 of exhibits and failure to comply with this directive will result in exhibits being remarked
12 by the parties. The parties shall consult with one another prior to marking exhibits to
13 *avoid marking duplicates* as set forth in the Order Setting Final Pretrial Conference. If
14 Plaintiff marks a document, Defendant should not mark the same document. The exhibits
15 are considered court exhibits, not Plaintiff or Defendant exhibits. Either side may move
16 the other's exhibits into evidence.

17 Blocks of numbers are assigned to each side: Plaintiff begins with number 1
18 through the estimated number of exhibits. Defendant begins with numbers following
19 Plaintiff's block of numbers (e.g., Plaintiff 1 - 80; Defendant 100 - 150). The blocks of
20 numbers should allow space for additional exhibits marked during trial. Please contact
21 the Courtroom Deputy to arrange number block assignments.

22 The parties should only use numbers when identifying subparts of exhibits (e.g.,
23 subparts of Exh. No. 3: 3-1, 3-2, 3-3). Blocks of numbers may be used to categorize
24 exhibits (e.g., series 1 - 99 are bank records; series 100 - 199 are tax returns; series 200 -
25 299 are photographs; etc.). Categorizing exhibits should be kept as simple and clear as
26 possible. In bulky documents, BATES stamp numbers may be placed on each page in the
27 bottom right corner and can be continuously numbered for easy reference.

28

1 **5. Use of Exhibit Cover Sheets and Labels**

2 The parties shall use the exhibit cover sheet attached to affix to each exhibit. The
3 parties shall print the exhibit cover sheets on colored paper; Plaintiff cover sheets should
4 be **Yellow**, and Defendant cover sheets should be **Blue**. The exhibit cover sheet shall be
5 stapled to the top of the original exhibit, and the exhibit shall be placed in a manila file
6 folder numbered to correspond with the exhibit number. Prepare extra cover sheets to use
7 for exhibits marked during trial.

8 If the paper exhibit is too large to staple, use a 2-hole fastener to fasten the exhibit
9 together at the top of the page, with an exhibit cover sheet attached to the front of the
10 exhibit. If the exhibit is a photograph or item smaller than 8” x 10”, staple it to an exhibit
11 cover sheet or place an exhibit label on the reverse side, lower right-hand corner. Large
12 or bulky items may require the use of tie tags with the exhibit label placed on the tag or
13 may be marked in a logical location on the item or on the plastic bag containing the item.
14 Large diagrams, charts, drawings, and other demonstrative or visual evidence should be
15 identified in the lower right-hand corner with an exhibit label. If the item is an
16 enlargement of another marked exhibit, it should be numbered as a subpart of the smaller
17 exhibit. If exhibit labels are required, the parties shall request them from the Courtroom
18 Deputy no less than *five (5) days* prior to trial. As with exhibit cover sheets, Plaintiff
19 labels should be **Yellow**, and Defendant labels should be **Blue**.

20 **6. Use of Folders and Boxes**

21 Place exhibits loosely in manila file folders so that the exhibits may be pulled out
22 of the folder during trial. *Do not* attach the exhibit to the manila file folder. Label the top
23 of the folder to identify the exhibit number. Provide extra folders to the Courtroom
24 Deputy for exhibits marked during trial. Place the exhibit folders in a box in numerical
25 order. Mark the outside of the box to indicate which exhibits are contained within it.
26 Leave room in the box for any extra exhibits that may be submitted during trial. *Do not*
27 *place trial exhibits in binders.*

28 **7. Stipulated Exhibits**

1 THE PARTIES MAY AGREE TO THE ADMISSION OF EXHIBITS
2 BEFORE TRIAL. THE PARTIES SHALL INDICATE WHICH EXHIBITS THE
3 PARTIES STIPULATE TO BE MARKED AS ADMITTED INTO EVIDENCE BY
4 PLACING AN "X" IN THE COLUMN ENTITLED "STIPULATED" NEXT TO
5 THE CORRESPONDING EXHIBIT ON THE EXHIBIT LIST ATTACHED.

6 **8. Redacted Exhibits**

7 ANY REDACTIONS TO THE EXHIBITS SHALL BE COMPLETED BY
8 THE PARTIES PRIOR TO TRIAL. IF DURING THE COURSE OF TRIAL
9 REDACTIONS ARE NECESSARY, IT IS THE RESPONSIBILITY OF THE
10 PARTIES TO IMMEDIATELY PROVIDE PROPERLY REDACTED VERSIONS
11 TO THE COURTROOM DEPUTY.

12 **9. Impeachment Exhibits**

13 As set forth in the Order Setting Final Pretrial Conference, impeachment exhibits
14 shall be delivered to the Courtroom Deputy on the **first day of trial** *in a sealed envelope*.
15 Each envelope should be marked with: (1) the caption of the case; (2) case number; and
16 (3) the party presenting the exhibit. If there is more than one impeachment exhibit, each
17 sealed envelope should be marked with a separate alphabetical letter for easy retrieval
18 (e.g., A, B, C) and the Courtroom Deputy will assign it the next available trial exhibit
19 number if used at trial. The offering party shall be prepared to provide the Courtroom
20 Deputy with a brief identifying description of the exhibit when offered at trial.

21 The parties are cautioned that if an exhibit has value *in addition* to impeachment,
22 it is not an impeachment exhibit and must be marked, listed, and delivered in the manner
23 prescribed for non-impeachment exhibits.

24 **10. Depositions**

25 The party offering a deposition or a portion of a deposition shall provide a
26 certified copy of the transcript in accordance with the federal rules. As set forth in the
27 Order Setting Final Pretrial Conference, portions of depositions to be used at trial shall be
28 delivered to the Courtroom Deputy no later than **48 hours** prior to trial. Depositions are

1 *not* to be marked as exhibits. Depositions shall be placed in alphabetical order at the time
2 they are delivered to the Courtroom Deputy.

3 **11. Sensitive Exhibits**

4 At trial, the Courtroom Deputy will not take custody of any sensitive exhibits.
5 During lengthy breaks and at close of the day, these exhibits are returned to the parties
6 until court resumes.

7 **12. Return of Exhibits**

8 All exhibits are returned to the respective parties for custody at the conclusion of
9 trial pending all appeals unless otherwise ordered by the Court. If a Notice of Return of
10 Exhibits is issued and the exhibits are not retrieved within thirty (30) days, the exhibits
11 may be subject to destruction or otherwise disposed of.

12 **13. Courtroom Technology**

13 The parties are encouraged to use the document camera or any other audio and
14 video equipment available in the courtroom for presentation of evidence during trial.
15 Should the parties have questions or wish to test courtroom equipment, they may contact
16 Brian Lalley, A/V Specialist, at (602) 322-7131, but must do so no later than **two (2)**
17 **weeks** prior to trial. Information regarding the use of courtroom technology can be found
18 on the District Court's website under "Electronic/Video Courtroom Equipment
19 Information – Phoenix," located at <http://www.azd.uscourts.gov/judges/judges-orders>.

20 **14. Courtesy Copies for Judge**

21 **Exhibits:** A courtesy copy of trial exhibits should be provided to the Judge at the
22 time of the delivery of the trial exhibits. Exhibits should be placed in 3-ring binders with
23 numbered tabs to correspond with the exhibit numbers. The Judge's copies should *not*
24 have original exhibit covers sheets on them. The parties should also provide the Judge
25 with a CD-ROM disc or USB flashdrive containing an electronic copy of paper exhibits
26 offered.

27 **Impeachment Exhibits:** A courtesy copy of impeachment exhibits for the Judge
28 should also be provided to the Courtroom Deputy. The courtesy copy of an impeachment

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exhibit should be provided in a sealed envelope and marked “courtesy copy” along with an alphabetical letter for easy retrieval (e.g., A, B, C).

Depositions: The Judge should be provided with a courtesy copy of any deposition to be used at trial. The offering party shall highlight, in color, the portions of the deposition to be offered. If multiple parties are offering the same deposition, only one (1) copy of such deposition shall be provided. Plaintiff shall highlight in **Yellow** the portions it wishes to offer, and Defendant shall highlight in **Blue** the portions it wishes to offer.

CASE NO. _____

VS. _____

PLAINTIFF EXHIBIT NO. _____

DATE: _____ IDEN.

DATE: _____ EVID.

BY: _____

Deputy Clerk

CASE NO. _____

VS. _____

DEFENDANT EXHIBIT NO. _____

DATE: _____ IDEN.

DATE: _____ EVID.

BY: _____

Deputy Clerk