

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

)	
)	Case No. 5:00CV0000
)	
Plaintiff(s),)	
)	JUDGE JOHN R. ADAMS
v.)	
)	
)	<u>TRIAL ORDER</u>
)	
Defendant(s).)	JURY

This case is scheduled for **Trial** on Month Day, 2005 at 9:00 a.m. in the courtroom of the Honorable John R. Adams, Courtroom 530, United States District Court, 2 South Main Street, Akron, Ohio. If the trial date is delayed for any reason, unless otherwise notified by the Court, parties shall remain on standby subject to call for the start of the trial for a period of two (2) weeks. **Jury costs will be assessed if settlement is achieved after a jury has been called.**

The **Final Pretrial** is scheduled for Month Day, 2005 at 1:00 p.m. in the **Akron** chambers of Judge Adams, Room 526 of the United States District Courthouse, 2 South Main Street, Akron, Ohio. Pursuant to Local Rule 16.3(e), the parties and lead counsel of record must be present and prepared with full authority to discuss all aspects of the case, including any pending motions, jury instructions, witness and exhibit lists, scheduling and settlement. Counsel are to have conferred with their clients, and with each other, regarding their final settlement posture within two (2) business days before the final pretrial.

The following instructions will govern the operation of the trial and the obligations of parties and their counsel:

1. TRIAL DAYS

Trials will begin at 9:00 a.m. and continue until 4:30 p.m., unless circumstances dictate otherwise.

A one (1) hour lunch break and two (2) fifteen minute breaks will be provided. Counsel must notify the Court's staff of issues to be addressed by the Court outside the presence of the jury so that trial may proceed with as few interruptions as possible. Accordingly, counsel should expect to be present in the courtroom from 8:30 a.m. until 5:00 p.m. in order to address matters outside the presence of the jury.

All parties and counsel are to be present in the courtroom at all times when the jury is seated.

2. STIPULATIONS OF FACT AND PRELIMINARY STATEMENTS

Counsel for the parties shall confer with one another in order to prepare written stipulations as to all uncontested facts to be presented at trial to the jury or to the Court, as the case may be. Stipulations of fact are strongly encouraged in order to eliminate the need for testimony of witnesses to facts which are not in dispute. Said stipulations shall be filed with the Court no later than ten (10) calendar days prior to the trial date.

Counsel shall also prepare and submit a Joint Preliminary Statement (not to exceed 2 pages) describing the case in an impartial, easily understood and concise manner for use by the Court either during voir dire or at the time the jury is impaneled. This statement will be used to set the context of the trial for the jury and must be submitted no later than ten (10) days prior to trial.

3. TRIAL BRIEFS; WITNESS AND EXHIBIT LISTS

Trial briefs, witness lists, and exhibit lists if any, shall be filed ten (10) calendar days prior to the trial date. A complete trial brief includes: (a) a statement of the facts; (b) a complete discussion of the controlling law together with specific citations of statutes and case law; and (c) a discussion of any evidentiary issues likely to arise at trial. Together with the trial brief, the parties shall also file and exchange their proposed witness and exhibit lists. The lists shall provide a brief description and the purpose of each

witness, and shall list and briefly describe each item of documentary or physical evidence which is to be offered.

Each attorney shall have a continuing obligation to supplement the party's list immediately upon learning of any additional witness. Witnesses not listed as part of the trial brief or provided before the trial starts shall not testify at trial, and exhibits not listed in the trial brief shall not be introduced at trial, absent a showing of good cause. This rule applies to lay witnesses as well as to expert witnesses.

In all cases, trial briefs and Motions *in Limine* are to be exchanged with opposing counsel by hand delivery or Fax. No later than five (5) days before trial, any objections to a proposed witness or exhibit shall be filed with the Court and served upon opposing counsel. Such objections shall include a brief statement as to why the proposed witness exhibit should not be permitted or admitted, as well as, specific citations to pertinent case law or other legal authority

4. MOTIONS IN LIMINE

Shall be filed fourteen (14) days prior to trial. Oppositions to be filed seven (7) days thereafter.

5. MARKING OF EXHIBITS

Exhibits shall be marked before trial with exhibit stickers, which are available from the clerk's office upon request. Plaintiff shall mark exhibits with numbers beginning with 1, and the defendant shall mark exhibits with numbers beginning with 1001. (*e.g.*, "Pl. Ex. 1" and "Def. Ex. 1001") All exhibits must indicate the case number on the bottom portion of the exhibit sticker.

If there are multiple parties, the party's last name should precede the numbers or letters (*e.g.*, "Pl. Smith-1" or "Def. Jones-1001"). Joint exhibits are strongly encouraged and shall be marked "Joint Ex. 1," "Joint Ex. 2," etc.

Whenever a multi-page exhibit is used, each page of the exhibit must be separately numbered. For

example, if Plaintiff's Exhibit 1 is a three-page document, the first page should be marked as Pl. Ex. 1-1, the second page marked as 1-2, and the third page marked as 1-3.

Where more than ten (10) exhibits are offered by a party, it is required that counsel place all exhibit sets in a three-ring loose-leaf binder/notebook with appropriately marked divider tabs and a table of contents. Two (2) copies of all exhibits shall be furnished to the Court no later than two (2) business days prior to the trial date.

Exhibits themselves will not be filed with the Clerk of Court but delivered to Chambers Ste. 526.

6. VOIR DIRE

The Court will conduct initial *voir dire* of the panel and of individual panel members. The Court may thereafter allow one counsel for each party to question the panel briefly on issues not addressed by the Court.

Proposed *voir dire* questions for the Court's questioning are to be submitted no later than ten (10) calendar days prior to the trial date, together with the trial briefs.

7. DEPOSITION TESTIMONY

Whenever depositions (videotape or written) are intended to be used as evidence at trial, counsel proposing to use such deposition testimony shall provide opposing counsel with pertinent transcript references fourteen (14) calendar days prior to trial. Objections to the proposed testimony will be provided to opposing counsel within seven (7) days thereafter. Counsel shall consult in an effort to resolve any objections raised. Where objections have been raised and not resolved, counsel proposing to use said deposition testimony shall file with the Court, a brief in support with citations to any applicable legal authority, attach and highlight the deposition portions objected to, and note the objections in the margin.

When videotape depositions will be presented in lieu of live testimony, counsel must file a complete written transcript of the videotape deposition prior to its use and follow Local Rule 32.1.

8. JURY INSTRUCTIONS AND INTERROGATORIES

Counsel are required to provide jury instructions to the Court only on the issues of the law applicable to the claims made and on damages. Counsel shall also provide proposed juror interrogatories. The Court will provide general instructions on issues such as credibility, etc.

Counsel shall exchange proposed jury instructions and interrogatories no later than ten (10) calendar days prior to the final pretrial date. Counsel shall then confer regarding their respective proposals in an effort to reach an agreement regarding as many jury instructions and interrogatories as possible.

Not later than one (1) business day prior to the final pretrial, a single joint submission shall be filed providing: (1) agreed upon instructions and interrogatories; (2) instructions and/or interrogatories proposed by plaintiffs, but opposed by defendants; and (3) instructions and/or interrogatories proposed by defendants, but opposed by plaintiffs. All proposed instructions shall be supported by citations to legal authority.

Such single joint submission of jury instructions and interrogatories to the Court **shall be made in writing AS WELL AS produced on a 3.5" computer diskette in Corel WordPerfect format**. The diskette should be formatted for an IBM compatible computer. When submitting the disk to the Court, to avoid accidental erasure, counsel are advised to alert the security guards when entering the building.

The diskette may be brought and submitted to the Court at the Final pretrial.

9. NON-JURY CASES

In all non-jury cases, counsel for each of the parties shall prepare **Proposed Findings of Fact and**

Conclusions of Law, which shall be filed with the Court not later than ten (10) calendar days before the date set for trial. Plaintiff's Conclusions of Law shall include a statement of the applicable statute conferring jurisdiction upon the Court.

Proposed Findings of Fact and Conclusions of Law shall be consecutively numbered with each finding and conclusion stated in a separate paragraph. The proposed Findings of Fact shall cite the particular witness(es) or exhibit(s) upon which each suggested finding is based; proposed Conclusions of Law shall cite legal authority.

10. SPECIAL INSTRUCTIONS TO COUNSEL

Pleadings or other materials submitted beyond the deadlines set forth in this order may be rejected by the Court. Any and all motions, responses, stipulations, objections, pleadings or memoranda **not** filed electronically required within two (2) business days of any settlement conference, hearing, final pretrial, or trial, shall be FAXED to the Court as well as to opposing counsel on the same day it is filed. The Court's fax number is **330-375-5875**.

11. CONDUCT OF COUNSEL

Pursuant to the Statement on Professionalism issued by the Supreme Court of Ohio on February 3, 1997, counsel are directed to be courteous and civil in all oral and written communications with each other and the Court. Pleadings or any other communications which do not conform to this standard will be rejected.

IT IS SO ORDERED.

JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE