

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,

Case No.

TRIAL ORDER

-vs-

JUDGE JACK ZOUHARY

Defendant.

This case is scheduled for a jury trial on _____ in Courtroom 204, United States Courthouse, 1716 Spielbusch Avenue, Toledo, Ohio. Counsel may call Chambers (419-213-5679 or 419-213-5675) concerning trial protocol or procedures. Counsel should review the District Court website for Judge Zouhary's standard voir dire questions and boilerplate jury charge: <https://www.ohnd.uscourts.gov/content/judge-jack-zouhary>. Counsel shall provide Chambers with a courtesy hard copy with ECF header of all pretrial filings.

DAUBERT MOTIONS

1. *Daubert* motions, to exclude or limit expert or lay-opinion testimony, shall be filed by _____; responses due by _____. No replies unless requested by this Court. If more than one motion is made, all motions shall be filed in a single document (10-page limit). Motions will be ruled on in advance of trial. Counsel must meet and confer prior to filing such motions.

MOTIONS IN LIMINE

2. Motions in limine shall be filed by _____; opposition due by _____; no replies unless requested by this Court. If more than one motion is made, all motions shall be filed in a single document (10-page limit). Motions will be ruled on in advance of trial. Counsel **must** meet and confer prior to filing such motions to determine the necessity of such motions.

VOIR DIRE

3. A proposed Juror Questionnaire for mailing to the jury pool in advance of trial will be shared with counsel by _____; any proposed changes from counsel are due by _____. Counsel shall provide this Court with additional proposed juror questions for the in-court voir dire by _____. This Court will conduct the initial courtroom examination of the jury, and will allow counsel brief follow-up examination of individual members of the venire.

JOINT STATEMENT OF THE CASE AND WITNESS LIST

4. Counsel shall consult with each other and submit by _____ a proposed Joint Statement of the Case (to be read to the jury at the beginning of the trial) which should include a brief statement of the facts, stipulations, and contested issues. The Joint Statement may note any disagreements and offer alternate language as appropriate.

5. Counsel shall also submit by that date a joint list of proposed witnesses along with a brief discussion of any evidentiary issues likely to arise with respect to admissible testimony (*e.g.*, hearsay).

JURY INSTRUCTIONS

6. Counsel shall consult with each other and file **joint** proposed Jury Instructions Before Closing Arguments by _____, noting those areas where the parties disagree and offering alternate language with supporting legal authority as appropriate.

EXHIBITS

7. Counsel shall exchange exhibits with each other (Government first), and provide Chambers with two complete sets to be used at trial -- one for the Bench and one for the witness -- along with a Joint Exhibit List by _____. Counsel shall also provide Chambers with a CD or flash drive containing all properly labeled exhibits corresponding with the “List of Exhibits.” See JERS Order. Counsel shall submit the JERS CD or flash drive by _____. Do **not** file exhibits with the Clerk of Court.

8. Exhibits must be marked before trial with numbers, irrespective of which party is producing the exhibit. No duplicates are allowed. Sequence of numbers is not important. Counsel shall **not** label exhibits as “Plaintiff’s” Exhibit or “Defendant’s” Exhibit, but as “Trial Exhibit.”

9. Counsel are responsible for maintaining original trial exhibits, and for filing exhibits needed for appeal purposes.

NOTICE TO COURT REPORTER

10. In order to facilitate the creation of an accurate Realtime record, counsel shall provide a “Notice to Court Reporter” by _____ containing:

- Proper names, including those of witnesses;
- Acronyms;
- Geographic locations;
- Technical (*e.g.*, medical) terms, names, or jargon.

The Notice to Court Reporter need **not** be filed but shall be provided in person or via e-mail to [Zouhary Chambers@ohnd.uscourts.gov](mailto:Zouhary_Chambers@ohnd.uscourts.gov).

COURTROOM ELECTRONICS

11. Well in advance of trial, counsel should be trained and familiar with the electronic presentation of evidence and the use of courtroom equipment. Counsel may contact Chambers to schedule an appointment. Training just before or during trial is **not** permitted.

12. It is essential that counsel utilize the courtroom electronics to educate the jury about the case. This Court strongly recommends that you not only use the electronics, but that you know how to use them. For example, jurors have complained that lawyers will utilize a PowerPoint, but that it is not readable from the jury box. You should test your presentations. If the jury can't see it (or hear it), it is of little use.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

, 2021