

**PRETRIAL PROCEDURES AND PREPARATION OF FINAL PRETRIAL ORDERS**  
*for civil cases before Judge Hunt*

Once discovery is complete and settlement discussions are exhausted, the Court will schedule a pretrial status hearing with lead counsel for the purpose of setting a **firm** trial date and deadlines for pretrial submissions. Parties are encouraged to continue discussing resolution of the case on their own and should feel free to contact my courtroom deputy Carolyn Hoesly at [carolyn\\_hoesly@ilnd.uscourts.gov](mailto:carolyn_hoesly@ilnd.uscourts.gov) or (312) 435-5668 at any time to request a referral to the assigned magistrate judge for a settlement conference. However, the trial date will not be continued unless the parties have settled the case or demonstrated extraordinary and unanticipated circumstances that constitute good cause.

**I. Schedule**

The following is a typical pretrial filing schedule. The parties should inform the Court at the pretrial status hearing if they require a different schedule. The Court will enter a trial scheduling order shortly after the pretrial status hearing.

<b>Event</b>	<b>Date</b>
Motions <i>in Limine</i>	3 weeks prior to trial
Responses to Motions <i>in Limine</i>	2 weeks prior to trial
Final Pretrial Order	2 weeks prior to trial
Final Pretrial Conference	1 week prior to trial
Final Pretrial Conference follow-up (if necessary)	At least 4 days before trial

**II. Motions in Limine and Daubert Proceedings**

The Court discourages the filing of “boilerplate” motions *in limine* or motions that address matters not in dispute. The parties are directed to meet and confer on all motions *in limine* before filing them and determine which motions, if any, are unopposed and do not need to be filed. As explained below, unopposed motions *in limine* should be briefly described in the final pretrial order. Unless otherwise ordered, all opposed motions *in limine* must be filed in accordance with the schedule set by the Court.

Parties filing multiple motions *in limine* should submit their initial motions and the supporting exhibits in one document for the Court. Responses to motions *in limine* should also be submitted in one document.

**Absent prior leave of Court, motions *in limine* (not including exhibits) are limited to a total of 20 pages per side (not per motion) and responses (not including exhibits) are likewise limited to a total of 20 pages per side. No replies are to be filed unless ordered by the Court.**

The above page limitations do not apply to motions challenging the admissibility of Federal Rule of Evidence 702 expert testimony pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.* Such *Daubert* motions should be filed separately and as soon as

reasonably possible but no later than two (2) months prior to the final pretrial conference. The parties may request at the pretrial status hearing that the Court also set a *Daubert* motion schedule.

As with motions *in limine*, the parties are required to meet and confer before the filing of any *Daubert* motion to ensure that the opinions sought to be barred will be offered at trial. Seeking to bar an opinion the other side has no intention of soliciting is a waste of the parties' and the Court's time.

The Court, upon request of a party or on its own, may conduct a *Daubert* hearing to allow the parties to examine the challenged expert in open court, in order to develop his or her qualifications and/or testimony for purposes of evaluating admissibility. The Court notes, however, that there is no requirement for *Daubert* hearings, and given the time commitments on the parties, the Court, and the expert witness, the Court encourages the parties to request a hearing only if they believe it is truly necessary to properly address the issues raised in a *Daubert* motion. If a party anticipates the need for a *Daubert* hearing, they are encouraged to notify the Court as soon as possible to ensure adequate time for scheduling the hearing prior to trial.

### **III. Final Pretrial Order**

In all civil trials before Judge Hunt, the parties shall jointly prepare and file a final pretrial order. Plaintiff's counsel has the responsibility to prepare the initial draft of the final pretrial order and must provide a draft to defendant's counsel no later than twenty-one days before the date the final pretrial order is due. Defendant's counsel must respond in writing to plaintiff's draft by no later than fourteen days before the final pretrial order is due, including any objections, changes, and additions to plaintiff's draft, as well as defendant's portions of the draft pretrial order (e.g., defendant's witness list, exhibit list, and objections to exhibits and deposition testimony listed by plaintiff). The parties must meet and confer by no later than seven days before the final pretrial order is due to discuss their respective drafts and to reach agreement to the extent possible. Any non-compliance with these requirements may subject a party and/or its counsel to imposition of sanctions.

The final pretrial order must include the following information:

1. *Jurisdiction*. State the jurisdictional basis for each claim. If the parties rely on either diversity jurisdiction or another jurisdictional basis that requires a threshold amount, then state whether the parties agree that the amount in controversy exceeds the amount and include a concise explanation of how the evidence supports that statement.
2. *Trial Attorneys*. List all attorneys trying the case, as well as contact information (business address, telephone number, and e-mail address). A list of the names of all people who will be sitting at counsel table, including parties, consultants, legal and technical assistants, etc. should also be provided.
3. *Case Statement*. Provide a concise agreed statement of the case (no more than one or two short paragraphs) to be read by the Court to the jury pool during jury selection. The

statement must describe the nature of the case, claims (plus counterclaims and crossclaims, if any) and defenses. This is a neutral description of the case, with just enough information to introduce the case to the jury and to ask potential jurors whether they happen to know anything about the case.

4. *Trial Length.* State the estimated number of trial days, including jury selection, opening statements, and closing arguments. A typical trial day will begin around 9:30 a.m. and end around 4:30 p.m. with about an hour for a lunch break. The Court presumptively seats an 8-person jury, with all 8 jurors deliberating. The parties may recommend a different number of jurors be selected, subject to Federal Rule of Civil Procedure 48(a).

5. *Stipulations and Uncontested Facts.* In numbered paragraphs, state any stipulations and uncontested facts. No later than 10 business days before the pretrial order is due, the parties must serve on each other proposed stipulations and uncontested facts. No later than 5 business days before the due date, the parties must confer in good faith to arrive at as many stipulations and uncontested facts as possible.

6. *Witness Description Lists.* Each party shall provide a list of witnesses, including expert witnesses, divided into (a) witnesses who will be called at trial; (b) witnesses who may be called to testify at trial; and (c) witnesses whose testimony will be presented by deposition or other prior testimony (indicating whether the presentation will be by reading a transcript or playing a video and including a brief summary of the legal and/or factual basis for presenting the testimony in that manner, as opposed to in-person). For each witness, provide a concise (2 or 3 sentences) description of the witness and the witness' role in the case. Witnesses who are not on the lists are barred from testifying unless the proponent shows good cause for the failure to disclose the witness. The names of witnesses on the lists will be read to the jury during jury selection to ensure that potential jurors do not personally know any witnesses.

7. *Deposition Designations.* If a party proposes to introduce a witness's testimony via a deposition rather than live testimony, then the offering party must serve the page/line designations of the deposition transcript on the opposing party 10 business days in advance of the pretrial order due date. The opposing party must serve objections to designations (including a concise basis for the objection, like the Exhibit Chart discussed below) and also state the opposing party's counter-designations (including counter-designations conditioned on an objection being overruled) 5 business days in advance of the pretrial order's due date. The parties shall generate a joint chart, in page order, that sets forth the designation, objection, counter-designation if objection overruled, any counter-designations, and any objections to the counter-designations (again, with a concise basis for the objection, like the Exhibit Chart). The parties should include any objected-to portions of the designated deposition testimony in the exhibit binders submitted to the Court per the instructions below.

8. *Exhibits and Exhibit Charts.* The parties must submit an exhibit chart, one for plaintiff's exhibits and another for defendant's exhibits, which states the following: (a) the exhibit number; (b) the date of the document or exhibit, if applicable; (c) a brief, neutral description of the exhibit; (d) a concise statement of the exhibit's relevance; (e) whether there is an objection to admission of the exhibit, and if so, a concise statement of the basis for the

objection; and (f) a concise response to the objection, if any. The chart’s format shall be substantially similar to the example below (landscape orientation is encouraged).

No.	Date	Description	Relevance	Objection	Response
PX1/DX1	02/15/06	2005 Performance Review	Proves record of satisfactory job performance	R. 402 relevance; R. 403 confusion. Plaintiff fired in 2011.	Past performance is relevant to affirmative defense and will not lead to confusion.

In addition to substantive exhibits and any Rule 1006 summary exhibits, the chart should also include proposed demonstrative exhibits and any exhibits that are likely to be referred to at trial even though not allowed into evidence. For example, deposition transcripts of witnesses likely to be impeached, or documents likely to be used to refresh memory, should be included on the chart (and assigned an exhibit number and description).

Any substantive exhibit not objected to shall be deemed admissible into evidence by operation of the Final Pretrial Order without any need for foundation testimony unless the exhibit is not referred to during trial testimony or otherwise published to the jury. There is no need to list every conceivable exhibit that can possibly be used, and parties are discouraged from over-designating exhibits, because we will examine exhibits one-by-one during the final pretrial conference, and plainly inadmissible exhibits, or exhibits that parties will not likely use, will needlessly consume time. Therefore, the parties should submit a list of trial exhibits they definitely intend to introduce. At the same time, the parties must limit objections to only good-faith objections. Frivolous and boilerplate objections will waste time, because in preparation for the pretrial conference, the Court will review, as much as possible, the exhibits and the objections. The parties shall stipulate to the authenticity of exhibits whenever possible.

During the trial, for clarity for the jury and the record, the offering party must still move to admit the exhibit into evidence before publishing it to the jury. The Court will ask whether there is any “further” objection so that any pretrial objection is preserved.

If, due to unforeseen circumstances during trial a party wishes to introduce an exhibit not previously listed, notice should be given as soon as possible to the opposing side and to the Court so that any objections can be discussed. Absent abuse of this process, an exhibit will not be deemed inadmissible simply because it was not included on the original exhibit list, provided the exhibit/document was earlier produced to the opposing side during discovery.

**Within a day of filing the final pretrial order,** the parties must submit to chambers two sets of exhibit binders and a USB storage device containing copies of all objected-to *substantive* exhibits. Exhibits that will be used only for impeachment purposes or to refresh memories need not be included in the binders.

**After the final pretrial conference and rulings on exhibits, no later than five business days before trial**, the parties must submit the final trial exhibits on a USB storage device and provide one paper copy of the exhibits, double-sided in three-ring binders. The parties must use the exhibit-naming convention for the Jury Evidence Recording System (JERS); the Court will provide the parties with an instruction memorandum on how to use JERS and name exhibits. Any exhibit in .pdf format should undergo Optical Character Recognition (OCR) and be text-searchable. If the parties anticipate a voluminous number of final trial exhibits, they should contact my courtroom deputy before submitting them. The Court wants to avoid the needless copying of hundreds or thousands of documents in multiple boxes where electronic media may suffice.

### **IMPORTANT NOTE ON PRESENTING EXHIBITS DURING TRIAL**

Judge Hunt's courtroom (1460) has evidence presentation equipment allowing exhibits (including video and audio files) to be projected and displayed to witnesses, the Court, counsel, and the jury. The jurors have individual screens in the juror box. The Court expects trial counsel to use this system. As early as possible prior to trial (not less than three weeks), counsel should contact Alexander Zeier, the Courtroom Technology Administrator, to schedule a training session. Mr. Zeier can be reached at (312) 435-6045.

During deliberations, the default method by which the jury will view exhibits that have been admitted in evidence is an electronic evidence presentation system called the Jury Evidence Recording System (JERS). Instructions for using the JERS system may be found at [http://www.ilnd.uscourts.gov/courtroomtech/JERS\\_Atorney\\_Instructions.pdf](http://www.ilnd.uscourts.gov/courtroomtech/JERS_Atorney_Instructions.pdf). Trial counsel are expected to familiarize themselves with the JERS instructions and system before the final pretrial conference by contacting the Court's Systems Department at 312-435-5555.

9. *Damages Itemization.* Plaintiff (and counter/cross-claimants, if any) shall itemize damages and other relief sought and provide a concise explanation of the evidentiary basis for each itemization.

10. *Motions in Limine.* As noted above, motions *in limine* will be filed separately. Each party must provide a list that very briefly summarizes its motions *in limine* and indicates whether they are opposed. For example: Defendant's Motion *in Limine* No.1 to Bar Reference to Witness A's Drug Use (Unopposed); Defendant's Motion *in Limine* No. 2 to Bar Witness B From Trial (Opposed), etc.

11. *Voir Dire Questions and Jury Questionnaire.* Judge Hunt will always ask routine biographical questions (a typical list is available on her website). Any additional questions sought by the parties must be listed in the Proposed Pretrial Order, divided into (a) agreed-upon questions and (b) proposed questions to which one party objects. A short basis for any objection should accompany the list. Each side is limited to 12 proposed disputed questions, unless a motion is filed before the pretrial conference that explains good cause for proposing more than the limit.

12. *Jury Instructions/Verdict Forms.* The parties must meet and confer in order to attempt to agree on as many jury instructions and verdict forms as possible and shall submit a single set of instructions and forms to the Court. Where applicable, the Court uses the Seventh Circuit's Pattern Instructions, bearing in mind that statutory and binding case law govern over the pattern instructions. If the parties wish to modify an applicable Seventh Circuit Pattern Instruction, the party proposing the modification must submit a comparison document to the Court showing the modification to the pattern instruction. If Illinois law provides the applicable standards for a particular claim, the Illinois Pattern Instructions should be used for the substantive elements of the particular cause of action.

The proposed jury instructions must state, on an instruction-by-instruction basis, the following information: (1) the proponent of the instruction, (2) the legal authority for the instruction, and (3) whether there is an objection to the instruction. If an instruction is disputed, the proponent of the instruction should concisely explain the basis for the instruction, if more explanation is required beyond the identified legal authority. If an instruction is disputed, the objecting party must concisely state—on the page immediately following the instruction—the grounds for the objection, as well as any proposed modification or alternative. The same principles apply to proposed verdict forms. Once the instructions are finalized, one of the parties should prepare a table of contents for the instructions.

13. *Trial Briefs.* Judge Hunt does not require trial briefs in jury trials. Parties who wish to file a trial brief must seek leave of court to do so. For bench trials, the Court may require separate trial briefs on a case-by-case basis.

14. *Signature.* The Pretrial Order must be signed (electronically) by counsel for each party.

The Final Pretrial Order must be e-mailed to [Proposed\\_Order\\_Hunt@ilnd.uscourts.gov](mailto:Proposed_Order_Hunt@ilnd.uscourts.gov) in a format compatible with Microsoft Word, with two courtesy copies (in three-ring binders and tabs) delivered to my courtroom deputy Carolyn Hoesly's office (Room 1428) within one day after filing. The Final Pretrial Order must also be filed on the docket by selecting "Other Filings" and then "Other Documents" and choosing the Proposed Pretrial Order event in CM/ECF.

#### **IV. Final Pretrial Conference**

The purpose of the final pretrial conference will be to provide guidance to the parties in their final preparations for trial, to avoid surprises, and to simplify the issues for trial. At the conference, Judge Hunt will address pending motions *in limine*, objections to witnesses and exhibits, and contested jury instructions, and will discuss trial procedures and scheduling. Lead trial counsel must attend the conference and should be fully prepared and with authority to discuss all aspects of the case, including all previous efforts to settle the case and whether further discussions are possible. Counsel should discuss with the Court whether their clients should attend the final pretrial conference.

The Court will endeavor to cover all pretrial matters in a single hearing but will continue the conference as necessary depending on the amount and complexity of pretrial matters.

**Dated: December 12, 2023**

ENTERED:

Handwritten signature of LaShonda A. Hunt in cursive script.

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LaShonda A. Hunt  
United States District Judge