

STANDING ORDER GOVERNING PROPOSED PRETRIAL ORDERS

This Standing Order sets forth the requirements that the parties must meet in submitting a Proposed Pretrial Order for the Court's consideration.

Proposed pretrial orders must be filed electronically using CM/ECF (no need for courtesy copies). To file it, select the appropriate CM/ECF event, "Other Filings" and then "Other Documents," and choose the Proposed Pretrial Order event. Also email it to Proposed_Order_Jenkins@ilnd.uscourts.gov in **Microsoft Word** format.

Final Pretrial Conference

A final pretrial conference will be held approximately one to two weeks before trial. The purpose of this conference will be to avoid surprises and to simplify the trial. At the conference, the judge 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 with authority to discuss all aspects of the case must attend.

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 of the attorneys trying the case, as well as contact information (business address, telephone number, and e-mail address).
3. *Case Statement.* Provide a concise agreed statement of the case to be read by the Court to the jury pool during jury selection. The statement must describe the nature of the case, claims (plus counter-claims 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.
5. *Stipulations and Uncontested Facts.* In numbered paragraphs, state any stipulations and uncontested facts. 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; and (b) 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 (c) witnesses who *might* be called or whose testimony might be presented. For each witness, provide a very concise (2 or 3 sentences) description of the witness and the witness's 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. *Exhibits and Exhibit Charts.* The parties must submit an exhibit list, one each for Plaintiff's exhibits and Defendant's exhibits. The list must state the following: (a) the exhibit number; (b) the date of the document or exhibit, if applicable; (c) a concise, neutral description of the exhibit; (d) a concise statement of the exhibit's relevance; and (e) whether there is an objection to the exhibit's admission, and if so, a concise explanation of the objection and the proponent's theory of admissibility. In addition to substantive exhibits and Rule 1006 summary exhibits, the list should also include proposed demonstrative exhibits and any exhibits that are likely to be referred to at trial even though not allowed into evidence. The list of exhibits should be easy to read, and the Court recommends a chart format similar to the example below (landscape orientation is encouraged for a chart).

No.	Date	Description	Relevance	Objection
PX1/DX1	02/15/06	2005 Performance Review	Proves record of satisfactory job performance	R. 402 relevance; R. 403 confusion. Plaintiff fired in 2011.

Any exhibit not objected-to shall be deemed admitted 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. The parties shall stipulate to the authenticity of exhibits whenever possible.

No later than one week before the final pretrial conference, the parties must submit to chambers copies of objected-to exhibits. Usually, copies can be submitted by email to proposed_order_jenkins@ilnd.uscourts.gov. Paper copies must **not** be delivered to chambers unless requested by the Court.

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.

At least 5 business days before the pre-trial conference, the parties must submit to chambers a USB storage device with all of the proposed exhibits. 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.

8. *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's due date. The opposing party must serve objections to designations (including a concise basis for the objection, like the Exhibit Chart) 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 by page and line number, objection, counter-designation if objection overruled, any counter-designations, and any objections to the counter-designations (again with a concise basis for the objection). The parties should include any objected-to portions of the designated deposition testimony in the submission to chambers as described for "*Exhibits and Exhibit Charts*" above. Copies can be submitted by email to proposed_order_jenkins@ilnd.uscourts.gov. Paper copies must **not** be delivered to chambers unless requested by the Court.

9. *Damages Itemization.* Plaintiff (and counter/cross-claimants, if any) shall itemize damages and other relief sought.

10. *Motions in Limine.* In the Proposed Pretrial Order, each party must provide a list that very briefly summarizes its motions in limine, e.g., "Motion to bar reference to Witness A's drug use." Motions in limine must be filed separately by the due date set by the Court. To the extent reasonable, file multiple motions in one filing (or a few consolidated filings) to reduce the number of filings. The court will set a response dates. No replies may be filed without leave of court. Any motion in limine filed by a party must be accompanied by a statement that the party has conferred with the opposing party and the opposing party actually intends to offer the evidence that the movant seeks to exclude, or actually opposes admission of the evidence that the movant seeks to include. If the meet-and-confer process results in agreement over evidentiary issues, that agreement may be memorialized in a stipulation entered into at the final pretrial conference.

11. *Voir Dire Questions.* Judge Jenkins will always ask routine biographical questions (a typical list is available on his 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 jury instructions and the verdict forms. If the parties agree

to use any Seventh Circuit Pattern Instructions, those instructions may be simply listed by citation in the Proposed Pretrial Order. The parties should concentrate their efforts on the substantive jury instructions related to the merits. In the Proposed Pretrial Order, the parties should set forth the complete text of any non-Seventh Circuit Pattern instruction and identify: the proponent of the instruction, the legal authority for the instruction, and 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. Moreover, if an instruction is disputed, the objecting party must concisely state the grounds for the objection, as well as any proposed modification or alternative. The same principles apply to proposed verdict forms.

13. *Evidence Presentation System.* Judge Jenkins' courtroom 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. This equipment will be used as the default method of displaying exhibits to the jury. 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 use of the JERS system may be found at http://www.ilnd.uscourts.gov/courtroomtech/JERS_Attorney_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.

14. *Trial Briefs.* Judge Jenkins does not require trial briefs in jury trials. Parties who wish to file a trial brief must seek leave of court to do so.

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

ENTERED:



LINDSAY C. JENKINS
United States District Judge

Revised: April 24, 2023