

**Proposed Pretrial Order Procedures for Civil Cases
(including Motions in Limine) for Judge John Robert Blakey**

Prior to a contested trial, the parties shall jointly prepare and submit a Proposed Pretrial Order for the Court's consideration that contains the sections and information described below. The Proposed Pretrial Order must be e-mailed to "Proposed_Order_Blakey@ilnd.uscourts.gov" in Word format, with two courtesy copies delivered to chambers. The Proposed 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. The Court will set a date for filing the Proposed Pretrial Order, usually no later than two weeks prior to the Final Pretrial Conference.

A. Final Pretrial Conference: Normally, a Final Pretrial Conference will be held approximately two weeks before trial. The purpose of this conference is avoid surprises and to simplify the trial. At the conference, the Judge will address all pending motions in limine and objections to witnesses and exhibits and will discuss trial procedures and scheduling. Lead trial counsel with authority to discuss and address all aspects of the case, including the authority to enter into stipulations or settlement (if any), must attend.

B. Contents of Proposed Pretrial Order:

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 in controversy, then state whether the parties agree that the amount in controversy exceeds that threshold, and include a concise explanation of how the evidence supports that statement. Also, if the parties rely on diversity jurisdiction, state each party's domicile. Note: if any party is a partnership or a limited liability company and the basis of jurisdiction is diversity, counsel must identify the name and domicile(s) of each and every partner of each such entity. *See Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d 691, 692-93 (7th Cir. 2003) (explaining that, for purposes of diversity jurisdiction, partnerships and limited liability companies are citizens of every state of which any member is a citizen).

2. **Trial Attorneys.** List all of the attorneys trying the case, as well as their contact information (business address, telephone number, and e-mail address). Lead trial counsel shall provide to chambers by telephone his or her cell phone number for use in the event the Court needs to reach the parties during trial.

3. **Case Statement.** Provide a neutral and concise agreed statement of the case to be read by the Court to the jury during jury selection. The statement should include a description of the nature of the case and the claims (plus counter-claims and cross-claims, if any), and the defenses. The parties shall refrain from using argumentative or indoctrinating language.
4. **Trial Length/Number of Jurors.** State the estimated number of trial days, including jury selection, opening statements, and closing arguments, as well as the number of jurors the parties recommend be selected (subject to Rule 48(a)). Generally, to accommodate the venire, the Court will select a jury on day one of trial and start opening statements on day two. Additionally, for most trials, the Court prefers a 12-person jury, with all 12 jurors deliberating.
5. **Agreed Exhibits and Factual Stipulations.**
 - a. The parties should include a list of all “agreed exhibits” to which both parties **expressly waive any and all objections**. Along with the Proposed Pretrial Order, the parties shall submit to chambers a binder including all of the agreed exhibits pre-marked. If, after its own review, the Court approves the exhibits submitted, the exhibits included in the agreed binder may be moved into evidence by the parties at the beginning of trial or at another logical point in the order of proof. If such exhibits are deemed “agreed” at the pretrial conference and accepted by the Court, then any later objections to the admission of these exhibits into evidence at trial shall be rejected as untimely.

In the alternative, the parties may choose to waive specific objections to certain exhibits (such as authenticity or hearsay), but preserve other objections (such as Rule 403 or relevance) via the mechanism described in Section 7 below. If the parties elect to proceed in this fashion, they should set forth in detail (in the exhibit section of the Proposed Pretrial Order) the specific objections being waived and preserved. In this process, the parties should attempt to agree upon redactions whenever possible to avoid unnecessary motion practice. The purpose of these procedures is to provide the parties with an opportunity to avoid the burden and cost of calling undisputed, unnecessary or purely foundational witnesses.

b. The parties should also separately list all factual and testimonial stipulations they intend to enter into evidence and publish to the jury. For instance, a “factual stipulation” might provide that “the bank was insured by the FDIC,” or “the car dealership employed 500 or more people.” A “testimonial stipulation” might provide that “if called, witness Jones would testify that the records (Ex. A) were kept in the normal course of business,” or “if called, witness Smith would testify that the transcript (Ex. B) is a true and correct transcription of the deposition testimony.” While there are many purposes for using stipulations at trial, testimonial stipulations are particularly useful for allowing the parties to avoid the time and expense of unnecessarily calling certain foundational witnesses. This stipulation section is not, however, intended to include a list of facts that the parties intend to establish via witnesses and exhibits at trial. The parties also remain free to propose additional factual stipulations during trial, but all stipulations must be in writing and approved by the Court prior to being published to the jury.

6. **Witness Lists.** List the witnesses, including expert witnesses, divided into: (a) witnesses who will be called; (b) witnesses whose testimony will be presented by deposition or other prior testimony (indicating whether the presentation will be made by reading a transcript or playing a video, along with page and line designations); and (c) witnesses who might be called or whose testimony might be presented. For each witness, provide a concise (2 or 3 sentences) description of the witness and the witness’s role in the case. Witnesses who are not listed are barred from testifying unless the proponent shows good cause for the failure to disclose the witness. The names of listed witnesses will be given to the jury during jury selection to ensure that potential jurors do not personally know any witnesses.

7. **Exhibit Lists.** The parties must submit an exhibit list that includes summary exhibits and demonstrative exhibits. The list must state the following: (a) the exhibit number; (b) a concise description of the exhibit (with any pertinent dates of documents); (c) a concise statement of the exhibit’s relevance; and (d) 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. Whenever possible, the parties should agree to the authenticity of exhibits under the procedure noted in Section 5.

No later than one week prior to the Final Pretrial Conference, the parties must submit to Chambers two sets of exhibit binders containing copies of objected-to exhibits.

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. Upon a showing of good-faith and absent an 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 was earlier produced to the opposing side during discovery (and otherwise complies with the Federal Rules of Evidence and the Federal Rules of Civil Procedure).

8. **Requested Relief.** Plaintiff(s) (and counter/cross-claimants, if applicable) shall itemize damages and other relief sought.
9. **Motions in Limine.** In the Proposed Pretrial Order, each party must provide a list summarizing its motions in limine. **Motions in limine must be filed separately from the Proposed Pretrial Order by the due date set by the Court.** Ten business days prior to the Final Pretrial Conference, or on the date otherwise set by the Court, each party shall file its motions in limine **within a single pleading not to exceed 30 pages, with each issue separately numbered and argued within the pleading.** Five business days prior to the Final Pretrial Conference, or on the date otherwise set by the Court, each party shall file its response. The response shall consist of **a single pleading, not to exceed 30 pages, with each issue separately addressed and listed with the same numbering as the motions in limine.** Any challenges to expert testimony or evidence must be made within the motions in limine. No replies will be permitted absent leave of Court. Unless otherwise directed by the Court, the parties will argue all motions in limine at the Final Pretrial Conference.

Every 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 should be memorialized under the procedure noted in Section 5, and subject to approval by the Court, such agreements may be finalized at the Final Pretrial Conference.

10. **Jury Selection Questions (Proposed Voir Dire).** Judge Blakey will ask standard questions of the venire during jury selection. Prior to the Pretrial Conference, the parties must review the Court’s “Jury Selection Protocol – Civil Cases” and “Standard Jury Questions – Civil Cases” on Judge Blakey’s information page on the Court’s official website: <http://www.ilnd.uscourts.gov/>. 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.

 11. **Proposed Jury Instructions and Verdict Forms.** The parties must meet and confer in order to attempt to agree upon jury instructions and the verdict forms. If the parties agree to use any [Seventh Circuit Pattern Instructions](#), those instructions may simply be 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: (a) the proponent of the instruction; (b) the legal authority for the instruction; and (c) 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.
- C. **Trial Briefs:** Judge Blakey does not require trial briefs in jury trials. Parties who wish to file a trial brief to address any unique issues of law or fact may, however, seek leave of Court to do so on or before the due date for filing motions in limine. No legal briefs or memorandums of law will be permitted during trial (including briefs or memoranda supporting or opposing motions for judgment as a matter of law) absent prior leave of Court.
- D. **Evidence Projection Systems:** The Court has a limited number of evidence projection systems, which may or may not be available for use on any given date. Parties who would like access to evidence projection systems are advised to make a request as early as possible (four weeks prior to trial is suggested) to Nathaniel Groshek, Courtroom Technology Administrator, at (312) 435-6045. Parties may be permitted to use their own evidence projection systems, upon reasonable terms, if a request is made in advance of trial, through the Courtroom Deputy.