

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_Chang@ilnd.uscourts.gov in **Microsoft Word** format.

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, 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 / Number of Jurors.* State the estimated number of trial days, including jury selection and deliberations, premised on six-hour trial-testimony days (the six hours already accounts for lunch and breaks). Propose estimated time limits for (a) opening statements per side; (b) closing arguments per side (including an initial close and rebuttal for the plaintiff); and (c) the total number of hours of witness examination per side. Also, state the number of jurors that the parties recommend (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 Proposed Pretrial Order's due date, 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; and (b) witnesses who *might* be called. The lists should include even those witnesses whose testimony will not be presented in-court (*e.g.*, a video deposition). For each witness,

provide a *very* concise (2 or 3 sentences) description of the witness and the witness’s role in the case. For example: “George Washington is Plaintiff’s cousin. Washington witnessed the arrest of Plaintiff where Defendants allegedly used excessive force.” Or: “John Adams is Defendant’s Chief Operating Officer. Adams made promises concerning the timing of payments under the contract.” 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 chart, one each for Plaintiff’s exhibits and Defendant’s exhibits. The charts 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. The chart’s format shall be substantially similar to the example below (landscape orientation is encouraged).

No.	Date	Description	Relevance	Objection
1	02/15/06	2005 Performance Review	Proves record of satisfactory job performance	R. 402 relevance; R. 403 confusion. Plaintiff fired in 2011.

In addition to substantive exhibits and 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 this Order** (note: for the exhibit to be actually entered into the record for the jury’s consideration, the exhibit still must be referred-to during trial testimony or otherwise published to the jury). Do not over-designate exhibits, because we will examine exhibits one-by-one during the pretrial conference, and plainly inadmissible exhibits will needlessly consume time. By the same token, the parties must limit the objections to **only good-faith** objections. Frivolous and boilerplate objections will waste time, because in preparation for the pre-trial 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. If a foundation objection is asserted and the offering party proffers a foundation that the Court believes overcomes the objection, the offering party **still must lay the foundation** at trial.

As noted above, non-objected-to exhibits will be admissible into evidence by operation of this Order, without any need for further foundation testimony (remember, however, that the exhibit must still be referred-to during trial testimony or otherwise published to the jury in order for the exhibit to be considered by the jury). But **during the trial**, for the jury's sake and for the clarity of the record, still **move** the exhibit into evidence before publishing it to the jury. The Court will ask whether there is any "further" objection, so any pretrial objection is preserved.

At least 5 business days before the pre-trial conference, the parties must submit to chambers a USB storage device, DVD, or CD 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.¹ In addition to the disc, the parties also must supply 2 sets of exhibit binders containing copies of **objected-to exhibits only**. The party that is objecting to an exhibit is responsible for providing the copy of the objected-to exhibit. (After the pretrial conference and rulings on exhibits, no later than 5 business days before trial, the parties must submit the final trial exhibits on a disc or drive and provide one paper copy of the exhibits, double-sided in three-ring binders.)

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, 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).

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*. 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." The motions themselves must be filed the earlier of (a) the due date of the Proposed Pretrial Order or (b) 3 weeks before trial. **The parties must confer on all motions in limine before filing them.** If there is no

¹ Ideally, any exhibit in .pdf format will have undergone Optical Character Recognition (OCR) and be text-searchable.

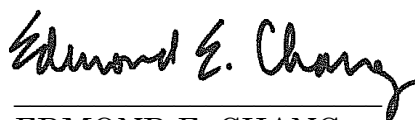
objection to a motion, but the movant wishes to file a motion memorializing the non-objection, then the motion must state that there is no objection. To the extent reasonable, file multiple motions in **one filing** (or a few consolidated filings) to reduce the number of filings. Unless otherwise ordered, responses are due 5 business days after the motion's filing, and replies are due 3 business days after the responses; again, consolidate as much as reasonable. The goal is to be in a position to rule on all of the motions in limine at the pre-trial conference.

11. *Voir Dire Questions.* The parties should check Judge Chang's website for the standard background questions that the Court asks prospective jurors during *voir dire*. For additional questions, the parties must file a list divided into (a) agreed-upon questions and (b) proposed questions to which there is an objection. A short basis for any objection must 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. Where applicable, the Court generally prefers the Seventh Circuit's Pattern Instructions. The proposed jury instructions must state, on an instruction-by-instruction basis, the following information: 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—**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.

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

ENTERED:



EDMOND E. CHANG

United States District Judge

Revised: August 24, 2021