MAGISTRATE JUDGE GABRIEL A. FUENTES
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STANDING ORDER FOR CIVIL PRETRIAL PROCEDURES IN CONSENT CASES

As of March 3, 2026, U.S. Magistrate Judge Gabriel A. Fuentes revised his pretrial procedures for civil matters before the magistrate judge on consent. All trial counsel kindly are requested to review carefully the below procedures, which are borrowed heavily from the civil pretrial procedure of U.S. District Judge Thomas M. Durkin.

I. General Pretrial Scheduling Issues

In all civil jury trials before Judge Fuentes, the parties shall jointly prepare a final pretrial order. The Court may vary the following schedule in individual cases, but generally, the final pretrial order will be due two weeks before trial and one week before the final pretrial conference, which will generally be scheduled about one week before trial. The Court does not require trial briefs in jury trials. Parties who wish to file a trial brief must seek leave of the Court to do so.

The parties may also file motions in limine in accordance with the guidelines set forth below.

The purpose of the final pretrial conference is to avoid surprises and to simplify the trial. 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 judge's courtroom (1342) is equipped with a digital evidence projection system. The Court expects trial counsel to use this system. As early as possible prior to trial (not less than four weeks), counsel should contact Alexander Zeier, the Courtroom Technology Administrator, to schedule a training session. Mr. Zeier can be reached at (312) 435-6045.

The following is the presumptive pretrial schedule. The parties should inform the Court if they require a different schedule. Again, the Court may vary the schedule in individual cases.

Event	**Date**
Daubert Motions	8 weeks prior to trial date
Responses to *Daubert* motions	6 weeks prior to trial date
Plaintiff's proposed jury instructions	8 weeks prior to trial date
Defense objections to jury instructions and proposed additional instructions	6 weeks prior to trial date
Pretrial instruction conference re disputed instructions (counsel only) (for inclusion in pretrial order)	4 weeks prior to trial date
Motions in Limine	3 weeks prior to trial date
Responses to Motions in Limine	2 weeks prior to trial date
Final Pretrial Order (including agreed and contested jury instructions)	2 weeks prior to trial date
Final Pretrial Conference	1 week prior to trial date
Final Pretrial Conference follow-up (if necessary)	As the Court may schedule

II. Motions in Limine

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. Unopposed motions in limine should be briefly described in the final pretrial order.

Unless otherwise ordered, all motions in limine must be filed in accordance with the schedule set out above. No replies should be filed unless ordered by the Court.

Parties filing multiple motions in limine should file their initial motions and the supporting exhibits as one document for the Court. Responses to motions in limine should also be filed in one document.

Absent prior leave of Court, motions in limine (not including exhibits) are limited to a total of 15 pages per party (not per motion), and responses (not including exhibits) are likewise limited to a total of 15 pages per party.

Parties should keep in mind that motions in limine are meant to provide a mechanism for the court and parties to resolve particular *evidentiary* issues prior to trial. A proper motion in limine "performs a gatekeeping function and permits the trial judge to eliminate from further consideration evidentiary submissions that clearly ought not be presented to the jury because they clearly would be inadmissible for any purpose." *Jonasson v. Lutheran Child and Fam. Servs.*, 115 F.3d 436, 440 (7th Cir. 1997). They are particularly useful in streamlining a trial so that extensive argument becomes unnecessary after a jury has been empaneled. *See id.* ("The prudent use of the in limine motion sharpens the focus of later trial proceedings and permits the parties to focus their preparation on those matters that will be considered by the jury."). They also provide economies to the parties such that certain witnesses will not be called to testify. Every party is

advantaged by knowing what evidence is likely admissible before trial begins so that proper jury presentation can be made. Finally, an accurate assessment of the admissible evidence may cause parties to reconsider settlement negotiation positions.

However, motions *in limine* should not be so granular that no rational ruling can be made outside of the context of the trial itself. *See Jonasson*, 115 F.3d at 440 ("Some evidentiary submissions … cannot be evaluated accurately or sufficiently by the trial judge in [a pretrial] environment."). "In these instances, it is necessary to defer ruling until during trial, when the trial judge can better estimate its impact on the jury." *Id.*; *see also Fletcher v. Conway*, No. 89 C 5183, 1991 WL 24460, at *1 (N.D. Ill. Feb. 21, 1991) ("Careful exercise of [the court's discretion in determining the admissibility of evidence] is usually best left to trial, when the court is in a position to evaluate the proffered evidence within context."). To the extent potentially improper prejudicial testimony may be elicited, the attorneys as officers of the court are obligated to bring up these issues outside the presence of the jury either at sidebar or during breaks.

Moreover, the fact that a motion in limine was not filed as to a particular piece of evidence does not operate as a waiver. Counsel is always free to object to evidence at trial for all of the grounds permissible under the Federal Rules of Evidence. *See Moore v. General Motors Corp.*, 684 F. Supp. 220, 220 (S.D. Ind. 1988) (Tinder, J.) ("A ruling on a motion *in limine* is not a final ruling on the admissibility of the evidence which is the subject of the motion. An order on a motion in limine has been characterized as an advisory opinion subject to change as events at trial unfold."). Like any other evidentiary ruling, the Court's rulings on motions in limine are based on the facts and theories of the case as the Court understands them at the time the Court makes its ruling. These rulings do not preclude any party from renewing a request for either admission or exclusion of evidence if the facts as developed at trial make reconsideration appropriate.

III. Content of the Final Pretrial Order

(1) Trial Attorneys:
A list of the attorneys trying the case, including business addresses and telephone numbers. 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.

(2) Case Statement:
A concise agreed statement of the case (no more than one or two short paragraphs), including: (a) the nature of the case; (b) the claims, counterclaims and cross-claims; and (c) the defenses raised to those claims. The Court will read this statement to the venire during voir dire, merely to inform the venire as to the general nature of the case. It will also be part of the cover letter the court provides to the venire with the juror questionnaire.

(3) Trial Length and Number of Jurors:
The estimated number of trial days, including jury selection, and the number of jurors the parties recommend be selected (subject to Rule 48(a)). Typically, each side will be allowed three peremptory challenges. The Court presumptively seats an eight-person jury, with all eight jurors deliberating, for trials of five days or less, or when otherwise appropriate.

(4) Voir Dire Questions:
To the extent possible, the Court prefers that most questions asked of potential jurors be included in a written questionnaire (of no more than two pages) as it encourages reflection and candor. Sample questions are provided below in the section below addressing jury selection procedures. To propose questions that should be included in the written questionnaire distributed to the venire, as well as questions the Court should ask orally, the parties must file them within the pretrial order, and including: (1) joint questions in the form of a questionnaire; (2) a list of questions to be asked orally; and (3) proposed questions to which one party objects, and a short basis for the objection.

(5) Witness Lists:
Separate lists for plaintiff and defendant providing the names of witnesses, including expert witnesses, divided into the following three categories: (a) witnesses who will be called to testify at trial; (b) witnesses who may be called to testify at trial; and (c) witnesses whose testimony a party will present by deposition or other prior testimony (indicating whether the presentation will be by reading a transcript or playing a video). Deposition designations, whether disputed or undisputed, should not be submitted with the final pretrial memorandum. The parties should be prepared to discuss a schedule for such submissions at the final pretrial conference.

For each witness, provide a very concise (two or three sentences maximum) description of the witness and the witness's role in the case. For example: "Nathan Hale is Plaintiff's cousin. Hale witnessed the slip and fall at Defendant's hardware store." Or: "Betsy Ross is Defendant's chief operating officer. Ross made promises concerning the timing of payments under the contract at issue in the case."

The Court will read the names of witnesses on the lists during jury selection.

(6) Exhibit Lists:
A list by each side of all exhibits the party will definitely use at trial, including the following: (a) the exhibit number or letter for each document; (b) the date of the document; (c) a brief description of the document; (d) whether there is an objection to admission of the document and, if so, a concise statement of the basis for the objection (e.g., Rule 402—relevance; Rule 403—undue prejudice or confusion); and (e) a concise statement of the asserted basis of admissibility, if there is an objection. In addition, demonstrative exhibits should be identified, even though they will not be admitted into evidence.

There is no need to list every conceivable exhibit that can possibly be used. The parties should submit a list of trial exhibits they definitely intend to introduce. Exhibits not likely to be used need not be listed. 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.

As part of the final pretrial order, the parties must provide the Court with two copies of an exhibit binder containing all exhibits on the respective parties' lists. (This practice may very depending

on the volume of the exhibits in any given case. The Court wants to avoid the needless copying of hundreds or thousands of documents in multiple boxes where electronic media may suffice.) If the representative exhibits from both sides require more than a single binder, the parties must contact the courtroom deputy, Jannette Nunez, to explain that additional binders are required.

(7) Jury Instructions:
The parties are instructed to meet and attempt to agree on jury instructions on a schedule set by the Court, and to include their proposed agreed and contested instructions in the final pretrial order. The parties should avoid the filing of identical instructions, which may be labeled as agreed instructions. The Court uses the 7th Circuit Pattern Jury Instructions where applicable, bearing in mind that statutory and binding case law govern over the pattern instructions.

If the parties wish to modify a 7th Circuit Pattern Jury Instruction, the party proposing the modification must submit a comparison document to the Court showing the modification to the pattern instruction. The parties should concentrate their efforts on the substantive jury instructions related to the merits.

Each proposed instruction must indicate the proponent of the instruction and whether the instruction is agreed or disputed. The bottom of each instruction must identify the legal authority supporting the instruction. If an instruction is disputed, the grounds for the objection (and any proposed modification or alternate instruction) must be concisely stated on the same page immediately following the disputed instruction. The party proposing the instruction may then state concisely the reasons supporting the instruction as proposed. Once the instructions are finalized, one of the parties should prepare a table of contents.

The Court will read the final instructions prior to closing arguments. Jury instructions may be used and electronically projected during closing arguments.

(8) Stipulations
All stipulations agreed upon by the parties, be they testimonial or non-testimonial.

(9) Damages Itemization. Plaintiff shall include in the pretrial order an itemization of the claimed damages sought to be requested from the jury.

IV. Additional Information

(1) Jury Selection:
On the morning of jury selection, prior to entering the courtroom, the venire will be given a written questionnaire with questions proposed by the parties and approved by the Court. Sample questionnaires are available on the Court's website. These are examples only, and will require revision for each particular case. The parties will be given copies of the jurors' written answers. The parties will also be given a copy of the list of potential jurors that is generated by the Clerk's Office.

The entire venire will then enter the courtroom and be sworn. The Court will then qualify the entire venire by questioning each prospective venire member about their answers to the questionnaire.

The Court will then ask the venire members the questions the parties and the Court determined at the final pretrial conference should be asked orally. Jurors will be given the opportunity to answer sensitive questions at sidebar if they wish. The parties will then be given the opportunity to question the prospective jurors. The Court will then go to sidebar to hear challenges for cause, and the Court will rule on those challenges. Once the cause challenges are ruled upon, the entire venire will be considered qualified, and the parties may then exercise their peremptory strikes by writing the juror names (up to three per party unless otherwise ordered by the Court) on a slip of paper provided confidentially and simultaneously to the courtroom deputy. The first eight non-challenged jurors will be seated and sworn as the petit jury.

If jurors are excused during the trial, the remaining jurors (never less than 6) will be allowed to deliberate. There are no alternate jurors. All jurors seated in civil trials will be allowed to deliberate. If the parties challenge the same juror, both sides will be charged for that challenge.

(2) Instructions for Trial Counsel: Please Read Carefully
Your compliance with the following requests will be greatly appreciated:

(i) Please be on time for each court session. Trial engagements take precedence over any other business. If you have matters in other courtrooms, arrange in advance to have them continued or have a colleague handle them for you.

(ii) Court time may not be used for marking exhibits. This must be done in advance of the court session.

(iii) Please stand whenever you address the court. This includes the making of objections. (Counsel with physical disabilities will be excused from this requirement.) During arguments or objections made to the Court, address the Court, not opposing counsel.

(iv) Please speak into the microphone whenever speaking on the record in court. A portable microphone is available is counsel wishes to move away from the stationary microphones.

(v) In your opening statement to the jury, do not argue the case. Confine yourself to a concise summary of the important facts you expect the evidence to show.

(vi) Please stand when you question witnesses. (Counsel with physical disabilities will be excused from this requirement.)

(vii) If on direct examination you intend to question a witness about a group of documents, avoid delay by having all the documents given to the witness when you start the examination, although you must identify each exhibit for the record as the witness reviews the exhibits.

(viii) When you object in the presence of the jury, make your objection short and to the point. Do not argue the objection in the presence of the jury, and do not argue with the ruling

of the court in the presence of the jury. Such matters may be raised at the first recess and will not be waived by waiting until the recess.

(ix) Do not ask the Court in the presence of the jury to declare that a witness is qualified as an expert or qualified to express an expert opinion.

(x) It is not necessary to request leave of Court to approach a witness to show the witness an exhibit. No exhibit may be published to the jury unless and until it has been admitted, with the exception of opening statements, when counsel may show an exhibit to the jury only with advance notice to, and agreement of, opposing counsel, based on the exhibit's presumptive admissibility. Once counsel has agreed that an exhibit may be shown to jurors by opposing counsel during opening statement, an objection to that exhibit's admissibility during the trial is presumptively overruled, absent extraordinary circumstances. No sandbagging is permitted.

(xi) Do not ask for a recess before cross-examination. If the direct examination should end at about the time the court would recess anyway, e.g., lunchtime, a recess will be taken. Otherwise, be prepared to commence cross-examination immediately upon conclusion of the direct. Once a witness has been tendered for cross-examination, do not discuss with that witness the substance of the witness's testimony, including during any break or recess.

(xii) Be aware of the jury's powers of observation. Refrain from excessive chatter or passing of notes to co-counsel in the jury's presence. And with the jury in the room, counsel should maintain a "poker face" at counsel table – no eye-rolling or facial expressions that communicate nonverbal messages to jurors, intentionally or unintentionally.

(xiii) Counsel are not permitted to contact jurors after trial without permission of the Court.

(3) Opening Statement and Closing Argument

With the parties having conferred in advance about the use of exhibits during opening statement, the Court expects few objections, which generally are disfavored, particularly if the Court perceives that they are meritless or intended merely to disrupt opposing counsel's flow or rhythm. An objection that the opening statement is argumentative, that it is about to reveal (or has revealed) evidentiary matter already excluded from the trial, or that it contains inappropriate or unfairly prejudicial language ("like a dog, the defendant ran with the pack, and he shared in the kill" – a once-popular characterization in Cook County Criminal Court, for example) are the only categories of presumptively permissible objections. Closing arguments may of course be argumentative, but otherwise, the above guidelines for opening statements also apply. Counsel must not invite the jurors to place themselves in the shoes of the parties or witnesses. Do not argue that a point was proved, or that a particular witness should be believed by the jury, based on counsel's personal opinion or belief is that it is so. Phrases such as "I think" or "I believe" are to be avoided. The jury is instructed that it is to judge the credibility of the witnesses, so counsel are not permitted to "vouch" for a witness's credibility. Further, closing arguments should not be interrupted by objections that the argument "misstates the evidence." The jury will be well capable of recalling what "the evidence was" and will be instructed that opening statements and closing

arguments are not evidence. Finally, the Court will elicit from the parties, before closing argument, their estimates as to the length of their respective closings, including any rebuttal closing. The rebuttal closing may never exceed 25 percent of the length of the opening closing – counsel are not permitted to sandbag opponents by arguing the elements only, sitting down, hearing the response closing and then arguing the facts for the first time on rebuttal and at length.

V. Final Pretrial Conference Topics

The following is a list of topics Judge Fuentes will address during the final pretrial conference. Counsel need only be prepared to discuss the topics that are also referenced in the final pretrial order. The remaining topics in the list below reference particular practices Judge Fuentes will explain during the final pre-trial conference.

1. voir dire
2. written juror questionnaire
3. jury lists - alphabetical and random agreed
4. statement of case – short enough to fit on letter to jurors
5. motions in limine – agreed matters and preparation of order on rulings
6. exhibits: (i) pre-mark all; (ii) stipulate to as many as possible; (iii) seek admission outside jury's presence; (iv) must be admitted before displayed on screen
7. demonstratives and timelines
8. schedule for submission of disputed deposition designations
9. trial day
10. elevators
11. sidebars
12. trial technology – make sure to test it outside the presence of the jury
13. preliminary instructions and issue instructions before opening
14. instructions before closing (can project on screen)
15. interim statements
16. note pads
17. jury binders
18. jury questions
19. moving around courtroom
20. can always approach witness without permission
21. no speaking objections
22. talking to jury after verdict

VI. A Note on Civility and Personal Pride

The American jury trial is a special experience. It's a unique experience, available virtually nowhere else on Earth. Make the most of the trial opportunity by not allowing it to become a personal battle, and by keeping it a fair and rigorous competition that will bring out the best in you and your adversary. "It's a time for achievement. A time for purpose. A time for glory." *See* John

Facenda & Sam Spence, "The Power and the Glory: Music & Voices of NFL Films" (Tommy Boy Records 1998).

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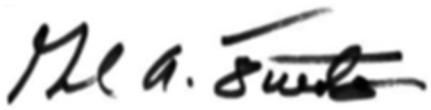

GABRIEL A. FUENTES
United States Magistrate Judge

Dated: March 3, 2026