

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 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, including alternate arrangements for witnesses who will not testify in person. Lead trial counsel with authority to discuss all aspects of the case must attend. See attached list that summarizes the relevant deadlines.

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 email 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/Number of Jurors.* State the estimated number of trial days, including jury selection, opening statements, and closing arguments. 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. 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 and, if applicable, whether the witness will be testifying other than live and in person. 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 that includes Plaintiff's exhibits and Defendant's exhibits using the template uploaded to the Court's webpage. The template requires the parties to provide the following information: (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. The concise explanation of objection and theory of admissibility must be complete (i.e., list each distinct basis for admission or exclusion, such as Rules of Evidence or court opinions) but need not be as exhaustive as a brief would be. If additional argument on an issue will benefit the Court, it will ask the parties to brief the issue or address it at the final pretrial conference. Grounds not listed may be waived, ***except for foundation and authentication***. Unless the parties stipulate to the admissibility of an exhibit, the proponent must be prepared to properly lay foundation and authenticate the document at trial. The parties shall, however, make a good faith effort to stipulate to the authenticity of exhibits to the extent reasonable. 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.

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.

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 all of the proposed exhibits using a box.com link the Court will provide upon

request. 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 document, using the template on the Court's webpage, that sets forth—by witness and page number—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). As above, grounds to sustain or overrule an objection that are not included in the chart may be waived. 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; the parties must also provide complete transcripts to the Court by email or by citing the docket entry where the transcript appears. Materials 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 on the docket by the due date set by the Court. The court will set a response dates. No replies may be filed without leave of court. A party must consolidate separate motions in limine into a single filing (meaning the same ECF entry). The parties must also consolidate their responses to motions in limine into a single response brief (meaning the same ECF entry). Separately filed motions or separately filed responses to each motion are not permitted. Motions in limine are limited to 25 pages per side absent 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 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 jury instructions and the verdict forms. Using the template available on the Court's webpage, the parties should compile and set forth the complete text of all proposed instructions and identify: the proponent of the instruction, the Seventh Circuit Pattern Instruction if applicable, 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. The proposed jury instructions and verdict forms must be filed on the docket and also submitted in Microsoft Word format by email to Proposed_Order_Jenkins@ilnd.uscourts.gov.

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 JERS may be found at [https://www.ilnd.uscourts.gov/assets/documents/forms/courtroomtech/JERS Attorney Instructions.pdf](https://www.ilnd.uscourts.gov/assets/documents/forms/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: May 21, 2024

LIST OF DEADLINES

The following table summarizes the deadlines in connection with trial:

Jury Instructions (Including Case Statement) and Verdict Forms:

- Table with agreed and contested jury instructions due with pretrial order.
- Parties' proposed jury instructions disclosed to the opposing party in time to respond and combine responses in the Court's template.
- Verdict forms due with pretrial order.

Witness List:

- Due with pretrial order, including arrangements for witnesses not to testify live and in person, if applicable.
- Witnesses not disclosed may be excluded at trial.
- Late requests to permit witnesses to testify other than in person are unlikely to be granted unless by agreement of the parties or when a serious, unforeseeable conflict arises.

Exhibit List:

- Due with pretrial order, including objections and responses.
- Parties' exhibits disclosed to the opposing party in time to respond and combine responses in the Court's template.
- Objections not made may be deemed waived, ***except for foundation and authentication***, and exhibits not included in the list may be excluded.
- Exhibits submitted to the Court using box.com link (please request from the CRD) five business days before the final pretrial conference.

Deposition Designations:

- Designations to opposing party 10 business days before pretrial order is due, and counter-designations five business days before.
- Jointly compiled using the Court's template, due with pretrial order.
- Objections and responses not made may be deemed waived.

Other Materials:

- Due with pretrial order as described above.