

MAGISTRATE JUDGE MARIA VALDEZ
219 South Dearborn Street
Courtroom 1041 Chambers 1058
Chicago, IL 60604
(312) 435-5690

**PREPARATION OF FINAL PRETRIAL ORDER
AND OTHER TRIAL PREPARATION MATERIALS**
FOR CONSENT CASES BEFORE MAGISTRATE JUDGE VALDEZ

THE FINAL PRETRIAL ORDER

In consent cases, the Court will require the parties to prepare jointly and submit a final pretrial order. In each particular case, the Court will set the date on which the final pretrial order is to be filed. The final pretrial order (including the Court's **one** courtesy copy) must include the following items:

1. **Jurisdiction.** A statement of the basis alleged for the Court's jurisdiction and, if jurisdiction is disputed, the nature and basis of the dispute.
2. **Case Statement.** A concise joint statement of the case, which includes the names of the parties and the attorneys who will be representing them at trial; the nature of the case; the claims, counterclaims and cross-claims; and the defenses raised to those claims. In a jury case, this statement will be read to the jury during *voir dire*.
3. **Stipulations.** A statement of any stipulations reached by the parties.
4. **Witness Lists.** Separate lists for plaintiff and defendant providing the names and addresses of witnesses, including experts, 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 will be presented by deposition or other prior testimony (indicating whether the presentation will be by transcript or video). In a jury case, these lists will be read to the jury during *voir dire*.

All expert witnesses who will or may be called must be included on the witness list. No more than one expert will be permitted to testify on a subject for each party. In the event that any party identifies more than one expert witness, a brief statement of the topic of each expert's testimony must be provided.

All objections to the calling of any witnesses, and the reasons for the objections, must be stated in the pretrial order. For witnesses who will be presented by deposition or other prior testimony, the pretrial order must include for each such witness a chart containing the following information: (a) the testimony that each side seeks to present, by page and line; (b) a concise statement of objections to any testimony and the basis for the objection; and (c) a concise statement of the asserted basis of admissibility.

5. **Exhibit Lists.** Lists of the trial exhibits (including demonstratives, summaries or other specially prepared exhibits), which are to be prepared in the following manner:

A list of any joint exhibits, which states: (a) the exhibit number for the document (preceded by "JX"); (b) the date of the document; and (c) a brief description of the document.

Separate lists of plaintiff's and defendant's exhibits, which each state: (a) the exhibit number for the document (preceded by "PX" for plaintiff's exhibits and "DX" for defendant's exhibits); (b) the date of the document; (c) a brief description of the document; (d) whether there is a specific objection to admission of the document and, if so, a concise statement of the basis for the objection; and (e) a concise statement of the asserted basis of admissibility.

In addition, one courtesy copy of all exhibits must be delivered to the Courtroom Deputy (Room 1036) on the date the final pretrial order is due.

6. **Estimate of Trial Time.** A statement of whether the case will be a bench trial or jury trial, and a realistic estimate – **in numbers of hours** – of the length of the trial.
7. **Damage Itemization.** An itemization of damages and other relief sought.
8. **Motions *In Limine* (including *Daubert* motions).** A list of the titles of all motions *in limine* filed by each party. **The actual motions *in limine* are not to be bound with the final pretrial order, but must be submitted separately according to the following schedule:** If no briefing schedule has been set, motions *in limine* shall be filed no later than twenty-one (21) days before the pretrial order is to be filed and responses no later than fourteen (14) days before the pretrial order is to be filed. The parties are reminded that they must comply with the Local Rules of the Northern District of Illinois and this Court's standing orders governing motions before filing any motions, including motions *in limine*.
9. **Proposed Voir Dire.** The Court's general *voir dire* questions can be obtained from the courtroom deputy. The parties must file in the pretrial order a joint

document that includes both (a) each party's proposed *voir dire* questions, and (b) each party's objections, if any, to the *voir dire* questions proposed by other parties.

10. Jury Instructions. The parties are instructed to meet and attempt to agree on jury instructions and to file proposed instructions with the pretrial order. The Court strongly believes that agreed instructions should be presented by the parties, and whenever possible, the parties are expected to agree on all instructions other than those about which there is a genuine, material dispute. The parties must file a joint document setting forth all agreed and proposed jury instructions as follows:

- The joint document must set forth all proposed prefatory instructions, arranged in the order that the parties propose they be given. Copies of the Court's general pretrial instructions may be obtained from the courtroom deputy.
- The joint document must set forth all instructions that the parties propose to be given at the close of trial, arranged in the order that the parties propose they be given.
- Each proposed instruction must be identified at the top of the page by number, and must indicate the proponent of the instruction and whether the instruction is agreed or disputed (e.g., "Agreed Plaintiff's Proposed Prefatory Instruction No. ____"; "Defendant's Disputed Proposed Final Instruction No. ____"). **The bottom of each instruction must identify the legal authority supporting that instruction.** If an instruction is disputed, the grounds for the objection (and any proposed modification or alternate instruction) must be concisely stated on the page immediately following the disputed instruction; on the next immediate page, the party proposing the instruction may state concisely the reasons supporting the instruction as proposed.
- A "clean set" of all proposed instructions (*i.e.*, unannotated instructions without party or numerical identification, legal authority, or legal argument) must also be provided.
- **In addition to hard copies, counsel shall furnish the Court with a CD containing the proposed jury instructions (both annotated and clean versions) in WordPerfect or Microsoft Word format.**

The above-referenced materials must be submitted with a cover document setting forth the case caption and the title **FINAL PRETRIAL ORDER**. The cover document: (a) must recite that each of the foregoing categories of materials is included; (b) after that recitation, must state that “This Order will control the course of the trial and may not be amended except by consent of the parties, or by order of the Court to prevent manifest injustice”; and (c) must provide spaces for the signature of counsel for each of the parties and by the Court. The parties are strongly encouraged to work together in drafting their Final Pretrial Order, and to come to agreement to the fullest extent possible.

BENCH TRIALS: OTHER MATERIALS TO BE FILED BEFORE TRIAL

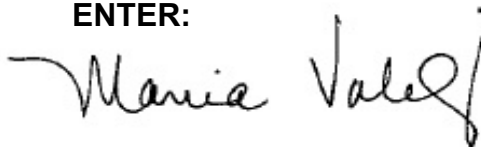
- **Proposed Findings and Conclusions.** In a bench trial, proposed findings of fact and conclusions of law are not to be included in the final pretrial order, but are to be separately filed (with one courtesy copy delivered to chambers) seven (7) calendar days before trial.
- **Trial Briefs.** Trial briefs are not required in jury trials. The Court will advise the parties if a trial brief is required in a bench trial. Any party who has not been advised that a trial brief is necessary but who nevertheless wishes to file a trial brief must seek leave of the Court to do so.

THE FINAL PRETRIAL CONFERENCE

A final pretrial conference will be held as scheduled by the Court. At or by the pretrial conference, the Court will address pending motions *in limine*, objections to exhibits, objections to designations of depositions or other prior testimony, proposed *voir dire* questions and issue preliminary rulings on proposed jury instructions. The Court also will discuss with the parties trial procedures and scheduling, including a discussion on the prospect of settlement.

The purpose of this conference is to avoid surprises and simplify the trial. **Trial counsel, fully prepared, and with authority to discuss all aspects of the case, must attend.**

ENTER:

A handwritten signature in black ink that reads "Maria Valdez". The signature is written in a cursive, flowing style.

MARIA VALDEZ
United States Magistrate Judge

October 4, 2012