

**PREPARATION OF FINAL PRETRIAL ORDER**  
**for civil cases before Judge John Z. Lee**

The parties shall jointly prepare and submit, on the date set by the Court, a Final Pretrial Order containing the following, absent prior modification by the Court. Non-compliance with any of these requirements will subject a party and/or counsel to the imposition of sanctions.

1. Jurisdiction. A concise statement of the basis for federal subject matter jurisdiction, and if jurisdiction is disputed, the nature and basis of the dispute.

2. Claims. A concise statement (1 or 2 short paragraphs) of the claim(s) of the plaintiff(s), defense(s) of defendant(s), and all counterclaims and cross claims. In a jury trial, this statement will be read to the jury during voir dire.

3. Relief sought. An itemization of damages and other relief sought.

4. Witnesses. A list of names and addresses of all witnesses: (a) who will be called; (b) who may be called; and (c) whose deposition will be used. In a jury trial, this list will be read to the jury during voir dire. Any witness not listed in the final pretrial order will be precluded from testifying absent a showing of good cause, except that each party reserves the right to call such rebuttal witnesses (who are not presently identifiable) as may be necessary.

a. Objections. A statement of any objections to the calling of any witness, including expert witnesses. Objections not made in the final pretrial order will be deemed waived absent a showing of good cause. If the objection is the subject of a motion in limine, the pretrial order may simply refer to the motion and need not repeat the grounds stated in the motion.

b. Depositions. For each witness whose deposition will be used, a chart containing the following information: (a) a listing, by page and line, of the testimony that each side seeks to present; (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. Objections not made in the final pretrial order will be deemed waived absent a showing of good cause. If the Court will be called upon to rule upon objections, a copy of the deposition (preferably in small-type format) is to be provided with the final pretrial order.

5. Stipulations and Uncontested Facts. In numbered paragraphs, set forth any stipulations and uncontested facts.

6. Exhibits. A schedule of all exhibits a party may introduce at trial, as well as any demonstrative exhibits or evidence, identified by trial exhibit number, with a brief description of each exhibit. Any exhibit not listed in the final pretrial order will be excluded from evidence absent a showing of good cause.

a. Objections. A statement of any objections to each exhibit. Objections not made in the final pretrial order will be deemed waived absent a showing of good cause.

b. Copies for Court. A bench book of each party's exhibits is to be delivered to the Court at or before the start of trial.

- c. Exhibits to be displayed to jury. If an exhibit is to be displayed to the jury, the party intending to display the exhibit must make sufficient copies for all jurors or must use an enlargement or projection of the exhibit.

7. Type and length of trial. A statement of whether the trial will be a bench trial or a jury trial, and a realistic estimate of the length of the trial. A typical trial day before Judge Lee will begin at 10:00 a.m. and end at 4:30 p.m., with a break of approximately 60 to 75 minutes for lunch.

8. Proposed findings and conclusions. For a bench trial, proposed findings of fact and conclusions of law. Each party shall submit a diskette formatted in a relatively current version of Word containing its proposed findings and conclusions.

9. Proposed voir dire questions. For a jury trial, proposed voir dire questions. The parties should assume that the “general” questions typically used on these samples will be asked and should not duplicate them in the final pretrial order. Rather, the parties should focus their attention on areas of questioning that are specific to the case being tried. If any question proposed by an opposing party is objected to, the objection should be noted in the pretrial order.

10. Proposed jury instructions and verdict forms. For a jury trial, proposed jury instructions and verdict forms are to be included both in the written pretrial order and on a USB drive, in Word format. The parties should consult the section of Judge Lee’s Web page entitled “Jury Instructions” for further guidance.

The parties are instructed to meet and attempt to agree on jury instructions and to file proposed instructions before filing the pretrial order. The parties should concentrate their efforts on the substantive jury instructions related to the merits.

The parties must submit all agreed and proposed jury instructions with the final pretrial order. 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 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.

The Final Pretrial Order should be submitted only via email to:  
Proposed\_Order\_Lee@ilnd.uscourts.gov. (See Judge Lee’s Standing Order on “Submitting a Proposed Order, Agreed or Otherwise, for Electronic Entry by the Judge.”)

#### No trial briefs

The Court does not require trial briefs in jury trials. Any party who wishes to file a trial brief must seek leave of the Court to do so.

#### Motions in limine

Unless otherwise specified, any motions in limine must be filed and served no later than the date that the final pretrial order is due. Any responses must be filed and served no later than seven (7) days thereafter.

Judge Lee discourages the filing of “boilerplate” motions in limine. Any motion in limine filed by a party must be accompanied by a statement that the party has conferred with the opposing party and has determined that the matter upon which a ruling is sought is actually in dispute – that is, that 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 that certain matters are inadmissible, that agreement may be memorialized in a stipulation to be provided to Judge Lee at the final pretrial conference.

Absent prior leave of court, motions in limine are limited to a total of 25 pages per side, and responses to motions in limine are likewise limited to a total of 25 pages per side. Separate in limine requests and responses may not be combined in a single filing. Motions *in limine* and responses thereto must be filed via ECF. File-stamped courtesy copies of each motion *in limine* and its corresponding exhibits must be submitted as separate files in PDF format to the Court’s proposed order inbox. The naming convention of each PDF should be substantially as follows: “Pl/Def’s MIL No. \_\_ [ECF No.] [Brief Description/Title].” So, for example, the courtesy copy PDF of Plaintiff’s first motion *in limine*, titled “Motion to Exclude Evidence of Plaintiff’s Prior Convictions,” filed as ECF No. 100, should be titled “Pl’s MIL No. 1 [100] Exclude Plaintiff’s Prior Convictions.pdf”. If, for example, that motion had as Exhibit A, excerpts from Plaintiff’s deposition, then a courtesy copy of that document should be submitted as a separate PDF file, titled “Pl’s MIL No. 1 [100-1] Ex. A – Plaintiff’s Dep Excerpts.pdf”. Defendant’s response to that motion *in limine* should then be titled, for example, “Pl’s MIL No. 1 [150] Def’s Response.pdf”. The parties should also submit courtesy copies of key cases cited in their motions *in limine* and responses.

#### Daily / expedited transcript

Any requests for daily or other expedited transcripts must be made directly to Judge Lee’s court reporter at least seven (7) days prior to trial.

#### Evidence presentation system

Judge Lee’s courtroom has a wide array of evidence presentation technology, and all parties are encouraged to use them to the fullest. For guidance on how to utilize the equipment, please consult Judge Lee’s Courtroom Deputy. Parties will be permitted to use their own evidence projection systems, upon reasonable terms, if a request is made in advance of trial.

#### Instructions for compiling final pretrial order

Plaintiff’s counsel has the responsibility to prepare the initial draft of the final pretrial order and must provide a draft to defendant’s counsel no later than twenty-one (21) days before the date the final pretrial order is due. Defendant’s counsel must respond in writing to plaintiff’s draft by no later than fourteen (14) days before the final pretrial order is due, including any objections, changes, and additions to plaintiff’s draft, as well as defendant’s portions of the draft pretrial order (e.g., defendant’s witness list, exhibit list, and objections to exhibits and deposition testimony listed by plaintiff). The parties must meet and confer by no later than seven (7) days before the final pretrial order is due to discuss their respective drafts and to reach agreement to the extent possible. Any non-compliance with these requirements will subject a party and/or its counsel to imposition of sanctions.

Following the meet-and-confer process, it is the responsibility of plaintiff's counsel, with full cooperation from defendant's counsel, to compile the final pretrial order for filing. The final pretrial order should be submitted to the Court (via ECF and submitted via e-mail in Word format to the Court's proposed order mailbox) with a cover document setting forth the case caption and the title FINAL PRETRIAL ORDER. The cover document must: (a) recite that each of the foregoing categories of materials is included; (b) 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 be signed by counsel for each of the parties and contain a space for the Court's signature.

#### Final pretrial conference

A final pretrial conference will be held approximately one to two weeks before trial. The purpose of this conference will be to avoid surprises and to simplify the trial. At the conference, Judge Lee will address pending motions in limine, objections to witnesses and exhibits, and contested jury instructions, and will discuss trial procedures and scheduling. Lead trial counsel fully prepared and with authority to discuss all aspects of the case must attend.