MAGISTRATE JUDGE MARY M. ROWLAND
219 South Dearborn Street
Chicago, IL 60604

Courtroom 1334 **Telephone: (312) 435-5358**

Courtroom Deputy: Dawn Moreno
dawn_moreno@ilnd.uscourts.gov
(312) 435-5857

FINAL PRETRIAL ORDER AND OTHER TRIAL MATERIALS FOR CONSENT CASES BEFORE MAGISTRATE JUDGE ROWLAND

In all civil trials scheduled before Judge Rowland, the parties are required to submit certain materials in advance of the final pretrial conference. Parties are encouraged to closely review this Standing Order for information on (i) joint proposed final pretrial orders; (ii) motions *in limine*; and (iii) proposed *voi dire* and jury instructions. To the extent these guidelines differ from those contained in Local Rule 16.1(a), parties should defer to Judge Rowland's requirements.

I. JOINT PROPOSED FINAL PRETRIAL ORDER

The parties are required to jointly prepare 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. An appropriately tabbed courtesy copy must be delivered to chambers.

The joint proposed final pretrial order 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.*** 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 the following information for each such witness: (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 objections; 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 of 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 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.

6. **Estimate of Trial Time**. A statement of whether the case will be a bench trial or jury trial, and a realistic estimate of the length of the trial.

7. **Damage Itemization**. An itemization of damages and other relief sought.

It is the responsibility of plaintiff's counsel to prepare the initial draft of the pretrial order. Plaintiff's counsel must provide a draft of these materials to defendant's counsel by no later than twenty-one (21) calendar days before the date the final pretrial order is due to be filed. Defendant's counsel must respond in writing to the draft by no later than fourteen (14) calendar days before the final pretrial order is due. The parties are required to meet and confer by no later than seven (7) calendar days to discuss their respective drafts, and should attempt to reach agreement to the maximum extent possible. It is then the responsibility of the plaintiff's counsel – with full cooperation from defendant's counsel – to assemble the version of the pretrial order to be filed. These scheduling dates for the exchange of drafts and personal consultation are designed to minimize disputes between the parties and to ensure the timely filing of the final pretrial order. These dates may be varied only by order of the Court.

II. MOTIONS *IN LIMINE*

The parties are directed to meet and confer on all motions *in limine* before filing them. Motions *in limine* and supporting memoranda should be filed separately and apart from the final pretrial order AND separately from each other so a separate docket entry will be created for each motion. In each particular case, the Court will set the date by which motions *in limine* are to be filed. Courtesy copies are to be delivered to chambers.

III. PROPOSED *VOIR DIRE* AND JURY INSTRUCTIONS

In a jury trial, proposed *voir dire* questions and jury instructions are not to be included in the final pretrial order, but are to be separately filed with courtesy copies delivered to chambers. The proposed *voir dire* and jury instructions are to be prepared and submitted according to the following schedule:

Proposed Voir Dire. The Court's standard *voir dire* questions can be obtained from the Judge's courtroom deputy. The parties must exchange any proposed variations or additions to these general *voir dire* questions no later than fourteen (14) calendar days before trial. Within four (4) calendar days thereafter, the parties must meet and confer to attempt to resolve any disagreements about the questions. By no later than seven (7) calendar days before trial, the parties must file 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.

Jury Instructions. By no later than twenty-one (21) calendar days before trial, plaintiff's counsel must serve on defendant's counsel a set of proposed jury instructions. By no later than fourteen (14) calendar days before trial, defendant's counsel must serve on plaintiff's counsel a document setting forth: (a) which of plaintiff's proposed instructions are agreed, (b) which of plaintiff's proposed instructions are disputed (and the basis for any dispute), and (c) any modified or additional instructions proposed by defendant's counsel. By no later than ten (10) calendar days before trial, plaintiff's counsel and defendant's counsel must meet and confer to attempt to resolve any disagreements about instructions. The Court adopts the requirement in the District Court's Standing Order Establishing Pretrial Procedure that "[a]greed instructions shall be presented by the parties whenever possible." Further, the Court expects the parties to agree on all instructions other than those about which there is a genuine, material dispute. By no later than seven (7) calendar days before trial, the parties must file a joint document setting forth all agreed and proposed jury instructions as follows:

- The joint document must set forth all instructions that the parties propose be given at the close of trial, arranged in the order that the parties proposed they be given. The Seventh Circuit's pattern jury instructions are available here: http://www.ca7.uscourts.gov/Pattern_Jury_Instr/pattern_jury_instr.html

- 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 Preliminary 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.

These dates for exchange of drafts and personal consultation regarding voir dire and jury instructions may be varied only by Court order.

IV. 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 courtesy copies delivered to chambers) seven (7) calendar days before trial. The parties shall confer about proposed findings of fact and law as to which they agree and submit those to the Court. Each party also shall submit its separate proposed findings of fact and conclusions of law. Trial briefs are not necessary, unless specifically ordered.

ENTER:

Dated: January 27, 2017

MARY M. ROWLAND
United States Magistrate Judge