UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Plaintiff's Name],	)	
Plaintiff,	)	
v.	)	Civil Action No. _____ -cv- _____ (TSC)
[Defendant's Name],	)	
Defendant.	)	

PRETRIAL CONFERENCE ORDER[1]

A Pretrial Conference will be held at **[Time]** on **[Date]**, in Courtroom 2. **Counsel are instructed that individuals with settlement authority must be present or available by telephone during the pretrial conference.**

Trial is hereby set to begin on **[Date]**, at **[Time]**, in Courtroom 2.

Prior to the pretrial conference the parties shall meet and confer for the purpose of preparing the Joint Pretrial Statement and discussing the prospects for settlement. To the extent possible, the parties shall conduct a face-to-face meeting. The parties are directed to confer in good faith and Counsel for Plaintiff shall file a Joint Pretrial Statement pursuant to Local Civil Rule 16.5(a) and (d)(5) no later than **[Time]** on **[Date]**. Prior to submitting a Joint Pretrial Statement, the parties must discuss and attempt to resolve all objections to exhibits (including as

[1] Failure to comply with the requirements and deadlines established in this Pretrial Order may result in sanctions including, but not limited to, fines payable to the Clerk of the Court, a court order striking untimely or non-compliant pretrial submissions and pleadings, dismissal of claims/defenses, and/or public admonishment of counsel. *See* Fed. R. Civ. P. 16(f); Fed. R. Civ. P. 37(b)(2)(A)(ii) through (vii); Gregory P. Joseph, *Sanctions: The Federal Law of Litigation Abuse*, 6-2 (4th ed.) ("The primary purpose of Rule 16(f) is deterrent: to insure expeditious and sound management of the preparation of cases for trial. Secondarily, sanctions serve to compensate parties for inconvenience and expense caused by the opponent's noncompliance.").

to authenticity) and all motions in limine. **Separate Pretrial Statements will be stricken, *sua sponte*.**

Counsel for Plaintiff must file the Joint Pretrial Statement (including voir dire questions, proposed jury instructions and proposed verdict form or proposed findings of fact/conclusions of law) electronically via ECF and submit physical and electronic courtesy copies to chambers. The Joint Pretrial Statement shall be double-spaced, in 12-point Times New Roman font, in Microsoft Word format, with margins of no less than one (1) inch. Two courtesy hard copies of the Joint Pretrial Statement (including voir dire questions, proposed jury instructions, proposed verdict form or proposed findings of fact/conclusions of law, and exhibits to which there is an objection) shall be delivered to **Sarah Moser,** Courtroom Deputy, not later than **[Time]** on **[Date]**, in separate three ring binders, with each section separated by labeled tab dividers. The electronic copy shall be e-mailed to chutkan_chambers@dcd.uscourts.gov, not later than **[Time]** on **[Date]**. **Counsel are admonished NOT to use this e-mail address for ANY other purpose, unless directed to do so by the court.**

A. JOINT PRETRIAL STATEMENT:[2]

In accordance with Local Civil Rule 16.5(b), the Joint Pretrial Statement must include the following:

1. **Parties and Counsel:** List names, addresses, and telephone numbers of all counsel on whose behalf the Joint Pretrial Statement is filed. In addition, provide the names of lead counsel who intend to try the case. List names and addresses of all parties.

[2] **If the parties have no statement or submission concerning any one of the items required in Section A (e.g. if the parties have not stipulated to any facts), the Joint Pretrial Statement shall so indicate.**

2. **Nature of the Case:** Provide a brief statement describing the nature of the case, the identities of the parties, and the basis of the court's jurisdiction. This statement should be brief, clear, and non-argumentative so that it is appropriate for reading to the jury.

3. **Claims and/or Defenses:** Provide a concise statement setting forth each claim a party has against any other party (including counter-, cross-, and third-party claims). The statement of defenses shall set forth each defense raised by a party to a specific claim asserted against it.

4. **Undisputed Issues/Stipulations:** List all issues not in dispute or facts to which the parties have stipulated.

5. **Witness Schedule:**

   List the name, address, and telephone number of each witness that may be called by a party, including rebuttal witnesses. The schedule shall set forth a brief description of the testimony to be given by the witness, and an estimate of the time necessary for direct examination. Opinion witnesses shall be designated by an asterisk. Witnesses who will be called solely for impeachment purposes need not be listed. No party may call at trial any witness the party has not listed in the Joint Pretrial Statement (except those called for impeachment purposes).

   Each party shall indicate whether any witnesses will testify through an interpreter and, if so, shall indicate in which language the witness shall testify. The parties are reminded that the Court does not provide interpreters in civil matters; the parties are to provide interpreters if needed.

   The listing of a witness does not commit the party to have such witness available at trial or to call such witness to testify, but it does preclude the party from objecting to the presentation of such witness's testimony by another party. No listed witness will be precluded from testifying unless an objection is made in the Joint Pretrial Statement and the specific basis and supporting authority for the objection are articulated**.** The court will accept the parties' written agreement to use a deposition at trial even though the witness is available. In the absence of such an agreement, parties must comply with Fed. R. Civ. P. 32.

6. **Exhibit List:**

   List and describe each exhibit to be offered in evidence, including (if possible) rebuttal exhibits, with each exhibit identified by number, title, and date (if applicable). Counsel must use the Exhibit List form found on the Judge's court webpage.

   No exhibit will be admitted at trial unless it is listed on the Joint Pretrial Statement. Each listed exhibit will be presumed authentic and admissible at trial unless a written objection specifying the specific basis of the objection is made in the Joint Pretrial Statement. **If there are objections to an exhibit listed in the Joint Pretrial Statement, the exhibit shall be produced at the time the Joint Pretrial Statement is submitted. Two copies of the Exhibits shall be submitted to the court in separate three ring binders with**

appropriate tabs. Objections that are not disclosed in the Joint Pretrial Statement, except those pursuant to Fed. R. Evid. 402 and 403, shall be deemed waived, unless such failure to timely object is excused by the court for good cause shown.

The court expects most objections to exhibits to be cured by discussion between the parties, and the parties should stipulate to the admissibility of as many exhibits as possible.

a. **Examination by Opposing Party:** Except where beyond the party's control or where otherwise impractical, each party shall make exhibits available for inspection and copying for the opposing party.

b. **Authentication of Exhibits:** Counsel requiring authentication of an opponent's exhibit must notify offering counsel in writing within **(10) business** days after the exhibit is identified and made available for examination. Failure to do so shall be deemed an admission of authenticity.

c. **Marking:** Each party that anticipates offering more than five (5) exhibits as substantive evidence shall pre-mark such exhibits in advance of trial, using exhibit labels and lists available from the Clerk of the Court. The court will provide up to 100 labels; if a party needs more labels, that party must use labels of the same type as those supplied by the court. The court urges counsel to be judicious in determining which documents actually are relevant to necessary elements of the case.

7. **Deposition Testimony:** Identify each deposition or portion thereof, by page and line numbers, that the party intends to offer in evidence. All cross-designations under Fed. R. Evid. 106 must be identified as well. Designated or cross-designated deposition testimony will be deemed potentially admissible at trial, unless an objection is made in the Joint Pretrial Statement. The objecting party must note the basis for the objection, as well as provide supporting authority. Any objections to deposition testimony shall be accompanied by excerpts from the depositions, including the testimony to which the objection relates. Objections not disclosed in the Joint Pretrial Statement, except those pursuant to Fed. R. Evid. 402 and 403, shall be deemed waived, unless such failure to timely object is excused by the court for good cause shown.

8. **Demonstrative/Physical/Videotape Evidence:** Describe all demonstrative, physical and/or videotape evidence that will be used at trial. Such evidence listed in the Joint Pretrial Statement shall be deemed potentially admissible at trial, unless an objection is made in the Joint Pretrial Statement, along with the specific basis for the objection and supporting legal authority.

9. **Relief Sought:** Set forth separately each element of damages and the monetary amount claimed (including prejudgment interest, punitive damages, and attorney's fees). Do not include amounts claimed for intangible damages. Set forth all other types of relief sought against any party.

10. **<u>Pending Motions</u>:** List all pending motions, including motions in limine, and indicate the title and filing date.

11. **<u>Jury Cases</u>**: In jury cases, the parties also must submit

    (a) **Any waiver of a jury trial;**

    (b) **Proposed voir dire questions** that indicate

        i. the voir dire questions on which the parties agree; and
        ii. the voir dire questions on which the parties disagree, with specific objections noted below each disputed question and supporting legal authority (if any);

    (c) **A list of proposed jury instructions**, followed by the text of each proposed instruction, as well as the specific source and citation for the proposed instructions (e.g., Standardized Civil Jury Instruction for the District of Columbia 2.01: Evidence in the Case) or, for modified or new instructions, specific supporting legal authority. Any variations or alterations of standard jury instructions shall be so noted and the proposed instructions shall be formatted so that each individual instruction begins a new page. Additionally, the parties shall indicate:

        i. the instructions on which the parties agree; and
        ii. the instructions on which the parties disagree, with specific objections noted below each disputed instruction and supporting legal authority (if any);

    (d) **a proposed verdict form**, as well as proposed special interrogatories (if any), that includes a date and signature line for the jury foreperson.

    Any objections shall be listed immediately following the voir dire question, jury instruction or verdict question. The objecting party shall specifically identify the objectionable portion of the voir dire question, instruction or verdict form, along with the basis of the objection and citations to supporting legal authority. Any objections to the verdict form shall be accompanied by a proposed alternative form.

12. **<u>Non-Jury Cases:</u>** In non-jury cases, the parties must submit detailed proposed findings of fact and conclusions of law with supporting authorities.

13. **<u>Special Matters</u>**: The parties shall identify any special considerations for trial, such as accommodations for persons with disabilities, or any other pertinent matters about which the court should be aware.

14. **<u>Estimated Length of Trial</u>:** List the number of days estimated for trial, and set forth any scheduling problems with witnesses.

15. **Cases Requiring an Interpreter:**

(a) Each party shall identify the names of its proposed interpreters and confirm that each is an experienced interpreter with appropriate credentials.

(b) The parties shall attach the C.V. of each proposed interpreter, along with a certification that each proposed interpreter has read and is familiar with the following documents:

(i) The General Guidelines for Court Interpreters, United States District Court for the District of Columbia, Office of Interpreting Services;

(ii) The Code of Ethics and Professional Responsibilities, National Association of Judiciary Interpreters and Translators; and

(iii) The Draft Code of Professional Responsibility and Court Interpreter Protocol, Administrative Office of the United States Courts.

(c) If interpretation services will be required for more than two continuous hours, the parties shall confirm that they have retained multiple interpreters for each language who will share the interpreter responsibilities.

(d) The parties shall confirm that each interpreter will make themselves available at a mutually agreeable time and date in advance of the trial for training in use of the court's interpreting equipment.

(e) The parties shall include any proposed jury instructions related to the use of interpreters.

For assistance in locating suitable interpreters, the parties may contact the court's Director of Interpreting Services, Teresa Salazar at (202) 354-3016.

B. MOTIONS IN LIMINE:

All evidence that a party offers at trial under Fed. R. Evid. 404(b) must be disclosed to all other parties by no later than **[Date]**. Motions in limine should be fully briefed at the time of filing of the parties' Joint Pretrial Statement. Accordingly, one omnibus motion per side of not more than twenty (20) pages raising all issues *in limine* shall be filed with the court and served on opposing counsel no later than **[Date]**; oppositions of not more than fifteen (15) pages shall be due not later than **[Date]**. A party may not file a reply without first requesting leave of the court.

Where a party fails to file a memorandum of points and authorities in opposition to a given motion, the court may treat the motion as conceded. *See* Local Civil Rule 7(b). Similarly, where

a party fails to respond to arguments in opposition papers, the court may treat those specific arguments as conceded. *See Phrasavang v. Deutsche Bank*, 656 F. Supp. 2d 196, 201 (D.D.C. 2009).

Date: January 21, 2016

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge