

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

Hon. Maria E. Garcia, U.S. Magistrate Judge

INSTRUCTIONS FOR JOINT TRIAL MEMORANDUM

The parties shall confer and jointly prepare and submit for the Court's approval a Joint Trial Memorandum in compliance with the District's Standing Order Regarding Trial Memoranda in Civil Cases as modified by these instructions. Two paper copies, including all attachments, shall also be provided to the Court at the time of submission.

The Joint Trial Memorandum is intended to be a jointly prepared document. Therefore, these Instructions are not satisfied by combining separate trial memoranda prepared by counsel for each party.

The Joint Trial Memorandum must contain the following information:

1. TRIAL COUNSEL: Counsel must list the names, addresses, telephone numbers, and email addresses of the attorneys who will try the case. Trial counsel must attend the pretrial conference unless excused by the Court.
2. JURY/NON-JURY: Counsel must state whether the case is to be tried to a jury or to the Court.
3. LENGTH OF TRIAL: Counsel must set forth a realistic estimate of trial days required for the entire trial, from the commencement of trial evidence to the conclusion of closing statements, based on the expected length of testimony for each witness on both direct and cross-examination.
4. NATURE OF CASE: Counsel for plaintiff(s) must separately state the nature of each cause of action and the relief sought. Counsel for defendant(s) must separately state the nature of any affirmative defense that counsel may present at trial. If applicable, counsel must also state the nature of, relief sought, and affirmative defenses for any cross-claims or counterclaims.
5. STIPULATIONS OF FACT AND LAW: Counsel must prepare a list of stipulations on any issues of fact and/or law as to which the parties have been able to agree.
6. PLAINTIFF'S CONTENTIONS: Counsel for plaintiff(s) must state generally the plaintiff's factual contentions with respect to each cause of action.
7. DEFENDANT'S CONTENTIONS: Counsel for defendant(s) must state generally the defendant's factual contentions with respect to each cause of action.

8. LEGAL ISSUES: Counsel must list the legal issues presented by the factual contentions of the parties.
9. EVIDENCE: Prior to preparing and submitting the Joint Trial Memorandum, counsel are required to exchange lists of proposed witnesses, exhibits, and deposition transcripts to enable counsel for each party to state in the Joint Trial Memorandum whether there is an objection to any proposed witness, exhibit, or transcript. The Joint Trial Memorandum must include the following disclosures:
 - a. Witnesses: Counsel must set forth the names and addresses of each witness to be called at trial, including a summary of the anticipated testimony and the expected duration of the witness's testimony. Counsel must indicate which witnesses are likely to testify and which witnesses will be called only if the need arises. For each expert witness, counsel must set forth the opinion to be expressed, a summary of the basis of the opinion, and a list of the materials on which the witness intends to rely. Counsel must also state the area of the witness's expertise and attach a copy of the expert's report and a curriculum vitae.

Any witness whose name is not disclosed in the Joint Trial Memorandum may be precluded from testifying at trial absent good cause shown for non-disclosure. Any objection to the admissibility of the testimony of any witness must be stated in this section of the Joint Trial Memorandum, along with a brief statement of the grounds and authority supporting the objection, as well as a brief counterstatement from the proponent of the witness regarding admissibility.

- b. Exhibits: Counsel must include a list of all exhibits to be offered at trial with each exhibit identified with reasonable specificity. The parties must mark all exhibits numerically with exhibit tags (which will be provided by the Clerk's Office upon request) starting with Plaintiff's Exhibit "1" and Defendant's Exhibit "501." Where there are multiple plaintiffs or defendants, counsel must coordinate exhibit identification to ensure that exhibit numbers are not duplicated.

Any exhibit not listed in the Joint Trial Memorandum may be precluded from admission at trial absent good cause shown for non-disclosure. Any objection to the admissibility of an exhibit must be stated in this section of the Joint Trial Memorandum, along with a brief statement of the grounds and authority supporting the objection as well as a brief counter-statement from the proponent of the exhibit regarding admissibility.

- c. Deposition Testimony: Counsel must list each witness who is expected to testify by deposition at trial and are strongly encouraged to agree in advance on what portions of deposition testimony will be admitted at trial. Such deposition witness list must include a designation by page references of the deposition transcript that

each party proposes to read into evidence or have video played of the deposition. Cross-designations must be listed as provided by Fed. R. Civ. P. 32(a)(6). The list must include all objections to deposition designations. A marked-up version (blue for plaintiff; red for defendant) of the relevant pages of the deposition transcript must be submitted as an exhibit; a copy of the marked-up excerpts should also be submitted to the Court as an attachment to the Joint Trial Memorandum.

10. MOTIONS IN LIMINE. On the same day that they file the Joint Trial Memorandum, the parties must file any motions *in limine*, accompanied by a memorandum of law. Each motion *in limine* must be filed as a separate ECF document. The parties must file any objection to each other's motions *in limine* within 7 days, unless otherwise ordered.
11. JURY TRIALS: If and only if the case is to be tried to a jury, counsel must provide as an attachment to the Joint Trial Memorandum the following documents:
 - a. Brief Description of Case and Parties: A brief description of the case, the parties, and the issues in dispute, jointly agreed to by the parties, that the Court may read to proposed jurors at the outset of jury selection.
 - b. Proposed Voir Dire Questions: A list of questions to be submitted to the jury panel as part of the Joint Trial Memorandum. Any supplemental questions must be filed on the docket no later than 24 hours before jury selection.
 - c. Proposed Jury Instructions: The parties' requested jury instructions, including relevant legal authority for each proposed instruction. Counsel need only submit case-specific proposed jury instructions and need not submit general jury instructions which, for example, instruct the jury on its role, evidence in general, witness credibility, etc.
 - d. Proposed Verdict Form: The parties' requested jury verdict forms.
12. COURTROOM TECHNOLOGY. Counsel shall indicate whether they will require use of courtroom technology during the trial. If such technology will be required, counsel shall specifically indicate in the trial memorandum that the request for such technology will be submitted on the Request for Courtroom Technology Form (located on the Court's website) at least 2 weeks prior to the scheduled trial date. Failure to submit the Request Form in a timely manner may preclude the use of such technology.

Last Updated September 19, 2024