

STANDING ORDER REGARDING TRIAL MEMORANDA IN CIVIL CASES

(Amended October 26, 2017)

At the discretion of the presiding Judge, each party may be ordered to prepare and submit, or the parties may be ordered to jointly prepare and submit, a trial memorandum which shall contain the following information:

1. Trial Counsel.

List the names, addresses and telephone numbers of the attorneys who will try the case. Trial counsel must attend the pretrial conference unless excused by the Court.

2. Jurisdiction.

Set forth the basis for federal jurisdiction.

3. Jury/Non-jury.

State whether the case is a jury or court case.

4. Nature of Case.

State separately the nature of each cause of action and relief sought.

5. Stipulations of Fact and Law.

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.

State generally the plaintiff's factual contentions with respect to each cause of action.

7. Defendant's Contentions.

State generally the defendant's factual contentions with respect to defenses, counterclaims and setoffs.

8. Legal Issues.

List the legal issues presented by the factual contentions of the parties.

9. Voir Dire Questions.

For jury cases, attach a list of proposed questions to be submitted to the jury panel.

10. List of Witnesses.

Set forth the name and address of each witness to be called at trial, with a brief statement of the anticipated testimony. Witnesses not listed, except rebuttal and impeachment witnesses, will not be permitted to testify at trial, except for good cause shown.

11. Exhibits.

Attach a list of all exhibits, with a brief description of each, that each party will offer at trial on the case-in-chief. Exhibits not listed, except rebuttal and impeachment exhibits, will not be admissible at trial except for good cause shown. All objections to designated exhibits, except as to relevance, must be filed in writing, to be resolved between the parties or by Court ruling prior to jury selection.

12. Deposition Testimony.

List each witness who is expected to testify by deposition at trial. Such list shall include designation by page references of the deposition transcript which each party proposes to read into evidence. Cross-designations shall be listed as provided by Fed.R.Civ.P. 32(a)(4). The lists shall include all objections to deposition designations. These objections must be resolved between the parties or by Court ruling prior to jury selection. After submission, the Court will permit amendment of the lists only for good cause shown. At the time of trial, the Court will permit reading of testimony from a deposition only in the order in which it was taken.

13. Requests for Jury Instructions.

For jury cases, attach requests for the jury charge.

14. Anticipated Evidentiary Problems.

Attach memoranda of fact and law concerning evidentiary problems anticipated by the parties.

15. Proposed Findings and Conclusions.

For non-jury cases, attach proposed findings of fact and conclusions of law.

16. Trial Time.

Counsel shall set forth a realistic estimate of trial days required.

17. Courtroom Technology

Counsel shall indicate whether they will require the 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 two weeks prior to the scheduled trial date. Failure to submit the Request Form in a timely manner may preclude the use of such technology.

18. Further Proceedings.

Specify, with reasons, the necessity of any further proceedings prior to trial.

19. Election for Trial by Magistrate Judge.

The parties shall indicate whether they have agreed to have the case tried by a United States Magistrate Judge, and if so, indicate whether the parties have elected to have any appeal heard by the District Court or by the Court of Appeals.