

TRIAL PREPARATION STANDING ORDER
MAGISTRATE JUDGE NATHANAEL M. COUSINS

MEET AND CONFER REQUIREMENT

Counsel for all parties must meet and confer at least twenty days prior to the pretrial conference to discuss the content of the joint pretrial conference statement, the preparation, exchange, and lodging of other pretrial materials, and the settlement of the action.

PRETRIAL CONFERENCE STATEMENT

No less than fourteen days before the pretrial conference, the parties must file in ECF a joint pretrial statement that contains (1) a brief description of the issues to be decided; (2) a detailed description of the relief sought and the evidentiary material to be presented in support of such relief; (3) a concise statement of all undisputed and stipulated facts; (4) a list of all factual issues to be tried; (5) a list of proposed stipulations for pretrial and trial purposes; (6) a concise statement by each party of each disputed point of law concerning liability or relief; (7) each party's proposed conclusions of law if the action is to be tried without a jury; (8) a list of witnesses that each party intends to call at trial and a description of the testimony each witness will give; (9) a list of items to be offered as exhibits at trial, including a description of the substance of and each party's objections to each exhibit; (10) an estimate of the number of court days each party will need to present its case; (11) a list of all outstanding motions; (12) the status of settlement negotiations and a statement as to whether further negotiations would be productive; and (13) a statement concerning whether bifurcation or a separate trial of individual issues is necessary.

WITNESSES

No party will be permitted without leave of court to call in its case-in-chief any witness who is not disclosed in that party's pretrial statement.

EXPERT WITNESSES

A party intending to call an expert witness must provide to all other parties and submit to the Court a copy of the curriculum vitae of and any reports prepared by the expert witness.

JURY INSTRUCTIONS

If applicable, the parties must submit jointly to the Court via mail and via email in WordPerfect format to ncpo@cand.uscourts.gov a set of jury instructions no less than fourteen days before the pretrial conference. If any instructions are contested, each party must state the legal basis for proposing or opposing the instructions.

EXHIBITS

Each party must provide to every other party a copy of all proposed exhibits. No less than fourteen days prior to the pretrial conference, the parties must stipulate to the admissibility of each proposed exhibit. If a stipulation is not possible with respect to any exhibit, each party must

describe in the joint pretrial statement the basis for offering or objecting to that exhibit. No party will be permitted without leave of court to offer any exhibit in its case-in-chief that is not disclosed in that party's exhibit list.

AGENDA FOR PRETRIAL CONFERENCE

At the pretrial conference, the Court will (1) set a briefing schedule for any pretrial motions, including motions *in limine*; (2) allocate a fixed amount of time to each party for the direct and cross-examination of witnesses and for opening and closing statements; (3) set specific dates and times for the trial; (4) for jury trials, determine the number of prospective jurors to be summoned and seated and establish whether a jury questionnaire will be used to assist in jury selection; and (5) consider any other relevant trial management matter.

SETTLEMENTS AND CONTINUANCES

Unless and until a stipulated dismissal or judgment is filed, all parties must be prepared to proceed with the pretrial conference and trial as scheduled. Only a continuance expressly approved by the Court will release the parties from their obligation to proceed. The parties must notify the Court immediately in writing if they expect to reach a final settlement before the pretrial conference or trial.

SANCTIONS

Sanctions under Federal Rule of Civil Procedure 16(f) may be imposed on any party that fails to comply with this order.

IT IS SO ORDERED.

April 16, 2012



Nathanael M. Cousins
U.S. Magistrate Judge