

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00563-CBS-MJW

L&W INNOVATIONS, LLC,  
Plaintiff and Counterclaim Defendant,  
v.

LINLI CONSTRUCTION, INC.,  
JOHN YELENICK,  
GAS-O-HAUL, INC, and  
BRADLEY J. LIGHT,  
Defendants, Counterclaim Plaintiffs, and Third Party Plaintiffs,  
v.

JON LIPS,  
CRAIG WARNIMONT, and  
PAUL CLUKIES,  
Third Party Defendants.

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ORDER TO PREPARE JURY INSTRUCTIONS

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This civil action comes before the court for a Trial Preparation Conference on Thursday June 4, 2009 at 11:00 a.m. In preparation for the conference, the parties shall submit **stipulated proposed jury instructions and form(s) of verdict on or before May 29, 2009**, as follows:

1. Counsel shall exchange proposed jury instructions and verdict forms at least ten (10) days before the jury instruction due date of May 29, 2009.
2. The stipulated proposed jury instructions should be numbered. Any instructions which cannot be stipulated must be numbered separately and indicate at the top Plaintiff's or Defendants' Proposed Instruction No. \_\_\_\_\_.
3. For each proposed instruction not stipulated to by the parties, the party opposing the instruction shall set forth a brief statement of its specific objections with

citation to authority as necessary on a separate page or pages *immediately following the disputed instruction*. If the objecting party does not believe the proposed instruction should be given, it should so state. If the objecting party has a counter proposed instruction or jury verdict form, it should so state and either attach its counter proposal as a separate page following its objection or provide a reference enabling the court to identify the proposed counter instruction or jury verdict form. This statement of objections and proposed counter instruction or form, if any, shall be immediately followed by the reply of the party tendering the original disputed instruction, also including citation to authority as necessary. The objection and reply should be separated from the next instruction by a hard page break, so that they appear as separate page(s) in the consecutively numbered series of instructions.

4. The proposed jury instructions shall include: (1) a theory of the case instruction which contains the Plaintiff's claims and the Defendants' defenses, to be used in voir dire; and (2) other instructions related to the claims and defenses to be presented at trial, including definitional instructions.

5. The court has prepared some stock introductory and closing instructions for use in every civil case. They include many general cautionary instructions re: the jury's duties, the burden of proof, types of evidence, impeachment, etc. They are available from chambers upon request. The court will customize these instructions for the particular trial. Counsel need not change or re-type these instructions.

6. The stipulated proposed jury instructions and form(s) of verdict shall be submitted in conformance with the District of Colorado ECF Procedures V.I. The parties shall also submit two copies of the proposed jury instructions -- one copy with sources

and authority and one copy without any sources and authority -- via e-mail to the chambers e-mail address listed in the District of Colorado ECF Procedures V.L.2.c. in an editable (Word or WordPerfect) format.

Dated at Denver, Colorado this 4th day of May, 2009.

BY THE COURT:

s/Craig B. Shaffer  
United States Magistrate Judge