

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 08-cv-002107-PAB-MJW

JOHN DAVIS,

Plaintiff,

v.

CITY OF AURORA, a Home Rule Municipality, by and through its governing body the City Council,

DANIEL J. OATES, individually and in his official capacity as Chief of Police,

ED TAUER, individually and in his official capacity as Mayor,

DANIEL BYRD, individually,

ERIC BUGGE, individually,

JEREMY SEXTON, individually,

GENNIFER WOLF, individually,

JILL BILL, individually,

MICHAEL WOODYARD, individually, and

DONALD AINSWORTH, individually,

Defendants.

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**ORDER SETTING CASE FOR TRIAL**

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This matter has been scheduled for a seven-day jury trial on the docket of Judge Philip A. Brimmer in the U.S. District Courthouse, Courtroom A701, 7th Floor, 901 19th Street, Denver, Colorado, to commence on **February 6, 2012 at 8:00 a.m.**

A Trial Preparation Conference is set for **January 20, 2012 at 9:00 a.m.**

Counsel who will try the case shall attend in person.

Any motions in limine shall be filed no later than **December 28, 2011.**

**Fourteen days** before the trial preparation conference, counsel and any pro se party shall submit proposed jury instructions and verdict forms. The jury instructions

shall identify the source of the instruction and supporting authority, e.g. § 103, Fed. Jury Practice, O'Malley, Grenig, and Lee (5th ed.). The parties shall submit their instructions and verdict forms both via CM/ECF and by electronic mail to [brimmer\\_chambers@cod.uscourts.gov](mailto:brimmer_chambers@cod.uscourts.gov) in Word Perfect format (Word Perfect 12 or a later version) or Word format. Verdict forms shall be submitted in a separate file from jury instructions. Within the jury instruction file, each jury instruction shall begin on a new page.

Each instruction should be numbered (e.g., "Plaintiff's Instruction No. 1") for purposes of making a record at the jury instruction conference. The parties shall attempt to stipulate to the jury instructions, particularly "stock" instructions and verdict forms.

In diversity cases where Colorado law applies, please submit instructions and verdict forms that conform to CJI-Civ 4th.

**Seven days** before the trial preparation conference, the parties shall file via CM/ECF (1) their proposed *voir dire* questions; (2) their witness lists; and (3) their exhibit lists. Forms of the witness and exhibit lists are found at <http://www.cod.uscourts.gov/Judges/Judges.aspx>. Please add at least ten additional blank rows at the end of the exhibit list to accommodate any additional exhibits that may be introduced at trial.

To the extent the deadlines and other provisions of this order conflict with this Court's Practice Standards, this order shall control.

The parties shall be prepared to address the following issues at the Trial

Preparation Conference:

- 1) jury selection;
- 2) sequestration of witnesses;
- 3) timing of presentation of witnesses and evidence;
- 4) anticipated evidentiary issues;
- 5) any stipulations as to fact; and
- 6) any other issue affecting the duration or course of the trial.

DATED August 17, 2011.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge