

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-01522-NYW

BERTHA N. ROMERO,

Plaintiff,

v.

ALLSTATE FIRE & CASUALTY INSURANCE COMPANY,

Defendant.

ORDER REGARDING TRIAL PROCEDURES

Magistrate Judge Nina Y. Wang

This civil action has been set for a five-day jury trial before this court to commence on **Monday, September 21, 2015. Counsel for Parties should be available to the court at 8:30 a.m. to address any last minute matters. All counsel who will try the case must be present for the 8:30 a.m. conference. Jury selection will begin at 9:00 a.m.** In addition to the deadlines and instructions set forth in the Courtroom Minutes/Minute Order dated July 9, 2015, the following procedures will govern.

1. Final Trial Preparation Conference. This matter has been scheduled for a Final Trial Preparation Conference on September 11, 2015 at 3:30 p.m. Any disputes with respect to the proposed exhibit lists, witness lists, or opening jury instructions will be discussed at this Trial Preparation Conference, including any pending motions in limine/motions to strike.

2. Jury Instructions/Verdict Forms. Proposed jury instructions and verdict form are due no later than August 28, 2015. Each of the proposed jury instructions must:

- (a) be submitted on a separate page;
- (b) be numbered;
- (c) identify the source of the instruction and any supporting authority.

The Parties must use their best efforts to stipulate to jury instructions. To the extent there are disputes between the Parties with respect to proposed jury instructions, each Party will submit her/its proposed jury instruction, and the Parties jointly will submit a single redlined jury instruction where it will be clearly delineated what disputed language is proposed by the respective Parties.

The Parties will file joint proposed jury instructions; any disputed proposed jury instructions; and proposed verdict forms (in separate filings) via CM/ECF and submitted directly to the court (in Microsoft Word format) to Wang_Chambers@cod.uscourts.gov.

3. Proposed Witness/Exhibit Lists. Proposed witness and exhibit lists are due to the court no later than September 4, 2015. Please follow the format attached to this Order for these lists. Please note that the cumulative estimated times for trial witnesses should not exceed the total time allotted for a party to present its case.

Exhibits will be labeled in numeric order, with no designation as to whether it is “Plaintiff’s Exhibit” or “Defendant’s Exhibit.” The Parties must stipulate to the authenticity and admissibility of as many exhibits as possible, marking the appropriate box on the proposed exhibit list. The Parties’ stipulation as to the admissibility of a document does not guarantee its admissibility; each document that the Parties intend to be submitted to the jury must be offered and accepted by the court.

4. Deposition testimony. If the Parties anticipate the use of any deposition testimony at trial, the Party offering such testimony will designate the anticipated deposition testimony and indicate whether it is to proceed by reading or by video recording no later than August 28, 2015. All counter-designations will be made no later than September 4, 2015. The Parties should be prepared to discuss any anticipated objections at the Final Trial Preparation Conference. Any remaining objections, after a good faith meet and confer process, will be identified by page and line citation, the explanation for each objection, and any relevant case law, no later than September 14, 2015. Transcripts submitted to the court should have Plaintiff's designations in yellow highlight and Defendant's designations in blue highlight.

5. Voir Dire. No later than August 28, 2015, the Parties shall submit their proposed *voir dire* questions. The court will permit no more than fifteen minutes per side for *voir dire* after the court's *voir dire*.

6. Technology. No later than August 28, 2015, the Parties must identify the technology needed for the trial and jointly contact the courtroom deputy, Brandy Simmons, regarding whether the request can be accommodated. Ms. Simmons may be contacted at 303.335.2601. All technology set up and take down must take place outside of the hours set for trial.

6. Exhibit notebooks. No later than September 18, 2015, the Parties will provide to Ms. Simmons two copies of the exhibits in a notebook format. Each notebook will be labelled with the following information: (a) caption; (b) scheduled commencement date and time; and (c) designation of "witness" or "court." All documents will be separated by numbered tabs, and each exhibit will be reproduced in the manner in which it will be shown to the witness and jury,

e.g., colored exhibits will be reproduced in these notebooks in color. All multi-page exhibits will include internal numbering for ease of the witness and the court.

7. Trial briefs. The court will permit, but does not require, trial briefs limited to fifteen (15) pages. Any trial brief will be submitted to the court via CM/ECF no later than September 4, 2015.

8. Trial days. Trial will be held beginning at 9:00 a.m. and concluded no later than 3:30 p.m., with a fifteen-minute break in the morning, an hour lunch, and a fifteen-minute break in the afternoon. Given the five-day jury trial schedule, each party will be permitted 15 hours of trial time, including opening statements and closing arguments.

Counsel will be available to the court no later than 8:45 a.m. each morning so that the Parties may discuss matters that cannot be resolved in front of the jury. The Parties should have witnesses queued for testimony so that there is not a delay between testifying witnesses. If there is a witness who needs to be accommodated out of order, the Parties will alert the court of such an instance during the morning conference. Bench conferences are strongly discouraged, and matters should be addressed in the morning conference or after the conclusion of the trial day.

9. Additional questions. The court anticipates that counsel may have additional questions or issues not addressed by this Order. Therefore, in order for the court and Parties to be fully prepared for the Final Trial Preparation Conference, the Parties are directed to submit any questions or issues to be addressed at the Final Trial Preparation Conference no later than August 28, 2015, directly to chambers at Wang_Chambers@cod.uscourts.gov.

DATED: July 28, 2015

BY THE COURT:

s/ Nina Y. Wang

Nina Y. Wang

United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

MAGISTRATE JUDGE NINA Y. WANG

Case No. _____

Date: _____

Case Title: _____

_____ WITNESS LIST
(Plaintiff/Defendant)

WITNESS

ESTIMATED DATE(S) AND
LENGTH OF TESTIMONY
