IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03313-KLM

AMY MARCANTONIO,

     Plaintiff,

v.

COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC,

     Defendant.

CIVIL TRIAL PROCEDURES ORDER
(effective August 15, 2012)

The following procedures and orders supplement the Federal Rules of Civil Procedure and the local rules of this court. In order to fairly and efficiently try the merits of each case, the Court **ORDERS** as follows:

I. Final Pretrial Conference/Trial Preparation Conference ("FPTC/TPC")

1. Date. The FPTC/TPC will be held on **January 11, 2016** at **10:30 a.m.** in Courtroom A401, Fourth Floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. Trial counsel must attend in person.

2. Deadline for filing proposed Final Pretrial Order. The proposed Final Pretrial Order is due on **January 4, 2016**.

3. Instructions for preparation of Proposed Final Pretrial Order. The parties shall use the form of proposed Final Pretrial Order available on the court's website and as an attachment to the Local Rules, with the following changes:

> - section 6(a)(3) and (b)(3) shall be modified to include a statement about proposed use of *videotaped* and non-videotaped deposition testimony.

> - section 7(b) shall be deleted.

II. Pretrial Deadlines

1. Exchange of exhibit and witness lists. The parties shall exchange exhibit and witness lists fourteen (14) days before the FPTC/TPC. Exhibit lists shall identify all exhibits

by Bates numbers. Witness lists shall identify "will call" witnesses and "may call" witnesses.

2. Objections to exhibits and witnesses. The parties shall file all objections to exhibits and witnesses three (3) days before the FPTC/TPC.

3. Trial briefs. The parties *may* file Trial Briefs ten (10) days before trial.

4. Motions in limine. Motions in limine are discouraged. Instead, the parties may flag evidentiary issues in their trial briefs. Motions to exclude expert testimony shall be filed thirty (30) days after the rebuttal expert witness disclosure deadline set forth in the scheduling order.

5. Proposed findings of fact and conclusions of law. In trials to the Court, the parties shall file proposed Findings of Fact and Conclusions of Law five (5) court business days before trial.

6. Proposed jury instructions. In jury trials, the parties shall file proposed jury instructions ten (10) days before trial. Proposed jury instructions shall be in WordPerfect or Word format and include citations of relevant authority in footnotes.

7. Special accommodations. Counsel shall notify my courtroom deputy of any need for special accommodations for any attorney, party or witness, and any need for technological equipment for videoconferencing or electronic presentation of evidence no later than thirty (30) days before trial.

8. Settlement. Pursuant to D.C.COLO.LCivR 54.2, counsel must notify the court clerk and my Chambers of a settlement before twelve o'clock noon on the last court business day before the scheduled trial date. The assessment of jury costs may be imposed as a consequence of noncompliance with this instruction.

III. First Day of Trial

1. Witness lists. Three copies of each party's witness list shall be provided to the courtroom deputy and one copy to opposing counsel.

2. Exhibit lists. Three copies of each party's exhibit list shall be provided to the courtroom deputy and one copy to opposing counsel.

3. Exhibit notebooks. Each party shall prepare an exhibit notebook containing original exhibits, properly marked and tabbed, with pages of each exhibit numbered. These notebooks shall be provided to the courtroom deputy. Similar notebooks with exhibit copies shall be provided to the court and to opposing counsel. Exhibits with more than one page shall have each page numbered.

4. Copies of exhibits for jurors. In jury trials, each party shall provide notebooks for juror exhibits. Those exhibits which have been stipulated to may be placed in the jurors'

notebooks prior to trial. Additional exhibits may be published to the jury for placement in juror notebooks following the exhibit's admission into evidence at trial. Blank pages may be inserted into juror notebooks so that jurors may take notes of the proceedings.

     5. List of stipulated facts. Plaintiff shall provide an original list of any stipulated facts to the court and two copies to the courtroom deputy.

IV. General Information

     1**. Voir dire.** Counsel will be permitted to conduct voir dire of potential jurors, if trial is to a jury, for a specified amount of time, to be determined at the Trial Preparation Conference. Accordingly, counsel should be prepared to conduct voir dire at trial as they deem appropriate.

     2. Courtroom Deputy. My courtroom deputy's name is Laura Galera. She can be reached at (303) 335-2104. Any questions concerning exhibits or courtroom equipment may be directed to her. The proceedings will be digitally recorded. Any request for transcripts should be directed to the courtroom deputy. Extraordinary requests, such as for daily copy, should be made at least 30 days in advance of the trial date.

     3. Law Clerks. My law clerks can be reached at (303) 335-2770. Please do not call them about issues which are handled by the courtroom deputy, as indicated in this Order.

     4**. Witness salutations.** At trial, all parties and witnesses shall be addressed as "Mr.", "Mrs.", "Ms.", "Dr.", etc. Informal references are not permitted except when children are testifying.

     5. Timing of giving of jury instructions. In jury trials, instructions will be given prior to closing arguments. Copies of written instructions will be given to the jury for its deliberations.

     6. Trial dates. The five-day jury trial is set for **February 22-26, 2016**, beginning at **9:30 a.m.** each day, in Courtroom A401, Fourth Floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado.

Dated: March 23, 2015   BY THE COURT:

Kristen L. Mix
United States Magistrate Judge