

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

XXXXXX,

Case No.: XX-cv-XXXX (LMP/XXX)

Plaintiff,

v.

XXXXXX,

**TRIAL NOTICE AND
PRETRIAL ORDER**

Defendant.

This case has been scheduled for trial before Judge Laura M. Provinzino beginning on **[TRIAL DATE]**, at **9:00 a.m. in Courtroom 3A at the United States Courthouse, 316 North Robert Street, St. Paul, Minnesota.**

PRETRIAL CONFERENCE

A pretrial conference will be conducted by Judge Provinzino **in Courtroom 3A at the United States Courthouse, 316 North Robert Street, St. Paul, Minnesota, on [TWO WEEKS BEFORE TRIAL], at 9:00 a.m.** All those who will try the case must attend.

INSTRUCTIONS FOR ALL CASES

1. **Submitting Documents.** All documents (except exhibits) must be filed electronically. Exhibits should not be filed but instead delivered as indicated below.

2. **Trial Briefs.** Each party must file a trial brief by **[FOUR WEEKS BEFORE TRIAL]**. In its trial brief, a party must include the following information:

- a. **Trial Counsel.** The party must list the names, addresses, telephone numbers, and email addresses of the attorney(s) who will try the case.
- b. **Jury/Non-Jury.** The party must confirm whether the case is to be tried to a jury or to the Court.
- c. **Length of Trial.** The party must provide a realistic estimate of the length of the trial, including, if applicable, jury selection and jury charge.

- d. **Jurisdiction.** The party must identify the basis for federal jurisdiction of each cause of action.
- e. **Facts.** The party must provide a brief summary of the facts that the party intends to prove at trial.
- f. **Claims or Defenses.** The party must briefly describe each cause of action—including, if applicable, each claim, counterclaim, and cross-claim—and any affirmative defenses.
- g. **Unresolved Issues.** The party must identify any substantive, evidentiary, or procedural issues that remain unresolved, briefly describe the party’s position on the unresolved issues, and identify the primary legal authority on which the party relies.

3. Exhibits.

- a. By **[SIX WEEKS BEFORE TRIAL]**, the parties must exchange lists of the exhibits that they intend to offer at trial and make those exhibits available to the other parties for examination and copying unless already produced.
- b. By **[FOUR WEEKS BEFORE TRIAL]**, each party must file its exhibit list, including other parties’ stipulations and objections. An example exhibit list is provided.
- c. Plaintiff must mark the Plaintiff’s first exhibit as “P-0001” (with four total digits, including leading zeroes where necessary) and number the others sequentially (gaps in numbers to accommodate organization of exhibits into categories/topics are permitted). Defendant must mark the Defendant’s first exhibit as “D-0001” (four total digits, including leading zeroes where necessary) and do likewise.
- d. Only exhibits that are identified on the exhibit list may be offered at trial, unless the omission is excused for good cause.
- e. By the date of the pretrial conference, each party must provide the Court with a thumb drive containing marked copies of its exhibits. The filenames of the electronic exhibits should be the exhibit number only without additional description (e.g. “P-0001.pdf”).
- f. Any demonstratives to be used with a witness must be disclosed to the opposing party and the Court by 6:00 p.m. the day before its intended use.

Demonstratives to be used only on cross-examination need not be disclosed ahead of time.

4. Witnesses.

- a. By **[SIX WEEKS BEFORE TRIAL]**, the parties must exchange lists of the witnesses the parties intend to call at trial, as well as a brief description of the substance of the expected testimony of each witness.
- b. By **[FOUR WEEKS BEFORE TRIAL]**, each party must file its witness list. No person who is not identified on a party's witness list may testify at trial, unless the omission is excused for good cause. An example witness list is provided.

5. Deposition Designations. By **[SIX WEEKS BEFORE TRIAL]**, the parties must exchange lists of the specific deposition testimony that they intend to offer at trial as substantive evidence (rather than to impeach). No deposition testimony that is not identified on a party's list may be offered at trial as substantive evidence, unless the omission is excused for good cause.

6. Motions in Limine. All motions in limine must be filed by **[FOUR WEEKS BEFORE TRIAL]**, and responses must be filed by **[THREE WEEKS BEFORE TRIAL]**. No party may file more than seven motions in limine except in extraordinary circumstances and with the prior permission of the Court. Each motion in limine must be limited to one discrete issue. Motions in limine targeting specific exhibits must identify the exhibits by number or range and the exhibits must be provided to the Court at the time of filing the motion. Each motion in limine should be filed as a separate document, and no brief in support of, or in opposition to, any motion in limine may exceed 3,000 words. No reply brief may be submitted without the prior permission of the Court.

7. Stipulations and Settlement. The parties are strongly encouraged to meet in advance of trial to make every effort to settle the case, and, if settlement is not reached, to make every effort to agree on as many trial-related matters as possible, such as facts that may be treated as established and exhibits that may be treated as authentic.

8. Sanctions. The failure of any party to comply with any of the instructions contained in this Order may result in sanctions.

9. Daily transcripts. If any party intends to order daily transcripts of the trial, that party should contact Judge Provinzino's court reporter, Lynne Krenz, as soon as possible, so that she can arrange for other court reporters to assist her during the trial. Ms. Krenz's email address is lynne_krenz@mnd.uscourts.gov.

10. **Courtroom Technology.** The courtroom is fully equipped with an evidence presentation system that includes a digital document camera and HDMI connections for laptops/tablets. All exhibits are to be displayed using a laptop/tablet when possible. Judge Provinzino strongly encourages each party to test their equipment on the courtroom system. Please contact Judge Provinzino's Chambers at provinzino_chambers@mnd.uscourts.gov to schedule a time to review the courtroom technology prior to your trial date, if needed.

ADDITIONAL INSTRUCTIONS FOR JURY TRIALS

1. **Proposed Voir Dire.** During voir dire, Judge Provinzino will conduct all questioning of prospective jurors. By **[FOUR WEEKS BEFORE TRIAL]**, a party must file any questions and proposed topics that it wants Judge Provinzino to consider asking. A Word version of the proposed voir dire must be emailed to Judge Provinzino's chambers.

2. **Joint Introduction to the Case.** By **[FOUR WEEKS BEFORE TRIAL]**, the parties must **jointly** email to Judge Provinzino's chambers a proposed introduction to the case that Judge Provinzino can read to prospective jurors during voir dire. The introduction should briefly and neutrally describe the parties, the major issues, the plaintiff's position, and the defendant's position.

3. **Joint List of Witnesses.** By **[TWO WEEKS BEFORE TRIAL]**, the parties must **jointly** email to Judge Provinzino's chambers a Word version of the combined, alphabetized list of the names of all witnesses. Judge Provinzino will provide that list to prospective jurors during voir dire.

4. Proposed Jury Instructions.

- a. No later than **[SIX WEEKS BEFORE TRIAL]**, the parties must exchange proposed jury instructions. The parties must then meet and confer and make every effort to resolve disagreements over those proposed instructions.
- b. The parties must **jointly** file one set of proposed jury instructions by **[FOUR WEEKS BEFORE TRIAL]**. Any disagreement on the proposed instructions should be noted, accompanied by each party's proposal and citing any supporting legal authority. A Word version of the proposed instructions must be emailed to Judge Provinzino's chambers.

- i. Each proposed instruction must be numbered, appear on a separate page, and identify supporting legal authority.
- ii. Any citation to a set of model jury instructions or a jury-instruction treatise must be to the current version of the cited source unless a party has good cause to cite an older version and explains why it is citing the older version.
- iii. If a party seeks (over objection) to have language added to or deleted from an instruction, the proposed change must be noted in color or bold, and a brief description of the party's position and the primary legal authority on which the party relies must be provided.
- iv. If a party seeks an entire instruction that the other side opposes, it shall be included in the joint proposal set with the opposition noted.
- v. The Court may order the parties to brief disputed instructions but will otherwise hear argument at the pretrial conference.

5. Proposed Special Verdict Form. No later than **[SIX WEEKS BEFORE TRIAL]**, the parties must exchange proposed special verdict forms. The parties must then meet and confer and make every effort to resolve disagreements over the proposed special verdict form. If the parties reach agreement, the joint proposed form must be filed by **[FOUR WEEKS BEFORE TRIAL]**. If they do not reach agreement, the parties must file their own proposed forms by **[FOUR WEEKS BEFORE TRIAL]**. A Word version of the proposed special verdict form(s) must be emailed to Judge Provinzino's chambers.

ADDITIONAL INSTRUCTIONS FOR NON-JURY TRIALS

Proposed Findings of Fact and Conclusions of Law. By **[TWO WEEKS BEFORE TRIAL]**, each party must file proposed findings of fact and conclusions of law. For each proposed finding of fact, the party must identify the witnesses or exhibits that will support the finding. For each proposed conclusion of law, the party must cite legal authority that supports the conclusion. A Word version of the proposed findings of fact and conclusions of law must be emailed to Judge Provinzino's chambers.

Dated: [TODAY'S DATE]

s/Laura M. Provinzino
Laura M. Provinzino, Judge
United States District Court

SUMMARY OF DEADLINES

By [SIX WEEKS BEFORE TRIAL] (between the parties):

- Exchange lists of exhibits and make exhibits available
- Exchange witness lists
- Exchange proposed jury instructions
- Exchange proposed special verdict forms
- Exchange deposition designations

By [FOUR WEEKS BEFORE TRIAL] (with the Court):

File on CM/ECF and serve:

- Trial briefs
- List of exhibits
- List of witnesses
- Motions in limine (limit of seven), including any targeted exhibits

Jury trials only:

- Proposed voir dire
- Joint proposed jury instructions
- Joint proposed special verdict form(s)

Email to Chambers at provinzino_chambers@mnd.uscourts.gov:

- Word version of proposed jury instructions
- Word version of proposed special verdict form(s)
- Word version of joint introduction to the case

By [THREE WEEKS BEFORE TRIAL]:

- File and serve responses to motions in limine

By [TWO WEEKS BEFORE TRIAL] (bench trials only):

- File on CM/ECF proposed findings of fact and conclusions of law
- Email to Chambers a Word version of proposed findings of fact and conclusions of law

[TWO WEEKS BEFORE TRIAL]: Pretrial conference at 9:00 a.m. before Judge Provinzino. The parties should provide the following to the Court at or before the hearing:

- Thumb drive of digital copies of exhibits
- Word version of the joint, alphabetized list of all witnesses (jury trials only)

[TRIAL DATE]: Trial begins at 9:00 a.m. before Judge Provinzino.