

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Case No.: XX-cr-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 [AT LEAST ONE WEEK BEFORE TRIAL], at 9:00 a.m.** All those who will try the case must attend.

INSTRUCTIONS

1. Submitting Documents. Trial documents generally must be filed electronically. This includes: motions in limine, trial briefs, proposed voir dire, joint proposed jury instructions, proposed verdict forms, witness lists (restricted), and exhibit lists (restricted). Joint proposed jury instructions, voir dire, verdict forms, witness lists, and exhibit lists shall also be submitted in Microsoft Word format to provinzino_chambers@mnd.uscourts.gov.

2. Motions in Limine. All motions in limine must be filed by **[THREE WEEKS BEFORE TRIAL]**, and responses to all such motions must be filed by **[TWO WEEKS BEFORE TRIAL]**. The parties must respond to all motions in limine. Each party must file a motion in limine to raise an objection to anticipated trial evidence or for some other proper purpose. Each motion in limine must be limited to a single, discrete issue and shall include the legal argument in support of the motion; there is no need to file a separate brief or memorandum. While each motion in limine must be a separate filing (that is, a separate CM/ECF docket entry), responses to all motions in limine may be combined in a single

CM/ECF filing. If a party wishes to raise more than one motion in limine, each motion shall be sequentially numbered and filed separately. Neither party may file more than ten motions in limine without permission from the Court. No motion in limine or response may exceed 3,000 words. Each motion in limine should be supported by legal authority. Finally, if a party does not raise objections to the admission of an anticipated exhibit or witness testimony through a motion in limine, it may result in an adverse ruling during the trial. If any of the motions in limine refer to a trial exhibit, the parties must provide the Court with a copy of that exhibit at the time of filing the motion to assist the Court with its review of the motion.

3. Trial Briefs.

- a. Trial briefs shall be submitted by **[THREE WEEKS BEFORE TRIAL]**.
- b. The Government is required to file a trial brief. A trial brief by the defense is optional. The trial brief should include (1) the names of the attorneys who will try the case along with any case agents; (2) a realistic estimate of the length of the trial; and (3) a summary of the facts that the party intends to prove at trial.

4. Exhibits.

- a. By **[FOUR WEEKS BEFORE TRIAL]**, the parties must exchange draft lists of the exhibits that they intend to offer at trial and make those exhibits available if they have not done so.
- b. By **[TWO WEEKS BEFORE TRIAL]**, each party must file its exhibit list (restricted) and submit a copy in Word to Judge Provinzino's chambers by e-mail.
- c. The Government must mark its first exhibit as "G-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. The case number must appear on each exhibit.
- d. Only exhibits that are identified on the exhibit list may be offered at trial, unless the omission is excused for good cause.
- e. Each party shall provide the Court with a thumb drive of exhibits at the Pretrial Conference. If there are any supplements, an additional thumb drive may be submitted on the first day of trial.

- f. At the close of the trial and prior to jury deliberation, the parties shall provide the Court with a jointly agreed upon final exhibit list with only the admitted exhibits. The list will go back to the jury deliberation room to assist in reviewing the exhibits. The final exhibit list should not include contested descriptions of exhibits.
- g. A court laptop will be provided to the jurors so they can view all the evidence. While paper exhibits are strongly discouraged during trial, the Court recognizes there are times when such exhibits are appropriate. When necessary, please raise the issue with the Court in advance of use of paper exhibits during trial. Each party shall be responsible for placing their own exhibits on a thumb drive or working jointly to provide one thumb drive, which is the Court's preference.

5. Witness Lists.

- a. By **[FOUR 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 **[TWO WEEKS BEFORE TRIAL]**, each party must file its witness list (restricted) and submit a copy in Word to Judge Provinzino's chambers by e-mail. Only witnesses who are identified on a party's witness list may testify at trial, unless the omission is excused for good cause.

6. Proposed Voir Dire. During voir dire, Judge Provinzino will conduct all questioning of prospective jurors. By **[THREE WEEKS BEFORE TRIAL]**, a party must file any questions and proposed topics that it wants Judge Provinzino to consider asking. Parties are encouraged to submit jointly proposed voir dire. In certain cases, it may be appropriate to submit a questionnaire to prospective jurors in advance of trial. Please let Judge Provinzino's chambers know at least two months before the trial date if the parties would like to submit a questionnaire, and Judge Provinzino will work with the parties.

7. Proposed Jury Instructions.

- a. No later than **[FOUR 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 **[TWO WEEKS BEFORE TRIAL]**. Any disagreement on the proposed instructions should be noted, accompanied by each party's proposal and citation to 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. Judge Provinzino prefers to use the Eighth Circuit Model Criminal Jury Instructions.
 - 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 proposed 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. The parties are welcome to brief any issues relating to the jury instructions in their trial brief or a motion in limine.

8. Proposed Special Verdict Form. No later than **[FOUR 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 **[TWO WEEKS BEFORE TRIAL]**. If they do not reach agreement, the parties must file their own proposed forms by that deadline. A Word version of the proposed special verdict form(s) should be emailed to Judge Provinzino's chambers.

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.

11. **Joint Introduction to the Case.** By [PRETRIAL CONFERENCE], the parties must **jointly** email to Judge Provinzino's chambers a Word version of a proposed introduction to the case that Judge Provinzino can read to prospective jurors during voir dire. The introduction should describe the charges in the indictment.

12. **Joint List of Witnesses.** By [PRETRIAL CONFERENCE], 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.

Dated: [TODAY'S DATE]

s/Laura M. Provinzino

Laura M. Provinzino

United States District Court

SUMMARY OF DEADLINES

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

- ☐ Exchange exhibit lists and make exhibits available
- ☐ Exchange witness lists
- ☐ Exchange proposed jury instructions
- ☐ Exchange proposed special verdict forms

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

File on CM/ECF and serve:

- ☐ Trial briefs (optional for Defendant)
- ☐ Motions in limine (limit of ten each separately filed), providing any relevant exhibits
- ☐ Proposed voir dire (a joint submission is preferred)

By [TWO WEEKS BEFORE TRIAL]:

File on CM/ECF and serve:

- ☐ Responses to motions in limine
- ☐ Exhibit list (restricted)
- ☐ Witness list (restricted)
- ☐ Joint proposed jury instructions
- ☐ Joint proposed special verdict form (or separate forms)

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

- ☐ Word version of joint proposed jury instructions
- ☐ Word version of joint proposed special verdict form (or separate forms)
- ☐ Word version of exhibit list
- ☐ Word version of witness list

[AT LEAST ONE WEEK BEFORE TRIAL]: Pretrial conference at 9:00 a.m. before Judge Provinzino. Judge Provinzino will e-mail the parties a proposed agenda for the pretrial conference in advance. 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
- ☐ Word version of a joint introduction to the case

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

- ☐ Thumb drive of any supplemental digital copies of exhibits