

<p>COUNTY COURT, EL PASO COUNTY, COLORADO 270 S. TEJON STREET COLORADO SPRINGS, COLORADO 80903</p> <p>Plaintiff:</p> <p>vs.</p> <p>Defendant:</p>	<hr/> <p>Case Number:</p> <p>Division: C</p>
<p align="center">CIVIL JURY CASE MANAGEMENT ORDER</p>	

This is the standing Case Management Order for all civil jury trials in Division C. The provisions of C.R.C.P. 316, as supplemented by this Order, control management of this case.

1. Alternative Dispute Resolution:

The parties must certify on the record that they completed mediation as set forth in the mediation order if so ordered by the Court. Failure to comply with the order may result in the continuance of the trial and/or other sanctions.

2. Pre-Trial Motions - Trial Briefs - Joint Trial Management Order:

Pre-Trial Motions:

- a. Dispositive motions governed by C.R.C.P. 12, if any, should have already been filed.
- b. Brief evidentiary *Motions in Limine* will be heard the morning of trial.
- c. Trial Briefs may be filed with the Court no later than 14 days prior to trial. Trial briefs should not be argumentative; rather, the brief should set forth the issue, the proposed conclusion, a short summary of the facts necessary to resolve the issue, and a statement of the supporting legal authority. A party may simply request that the Court read certain cases prior to trial.

3. Mandatory Pre-Trial Conference between Counsel:

At least 10 days prior to trial, counsel must meet face-to-face and discuss and compile the following:

- a. The parties are to coordinate witnesses to accommodate any scheduling issues. Further, the parties are encouraged to develop and stipulate to as many material facts as possible prior to trial.
- b. The Parties shall identify all exhibits that are to be admitted at trial and exchange any exhibits that have not previously been provided to the other side.

- c. The parties must file a certificate of compliance at least 5 days before the trial. The certificate of compliance shall include a general description of all exhibits that have been exchanged and the names and phone numbers of all witnesses.
- d. For a jury trial, the parties are to compile the jury instructions, as set forth below.

4. General Trial Protocol.

- a. Trial confirmation. On the Thursday prior to trial, each counsel or *pro se* party will contact division staff by telephone (or leave a message) at 719-452-5203 or 719-452-5204 confirming that the parties will proceed to trial.
- b. Counsel and the parties are expected at the Court on each day of trial at 8:15 a.m., unless otherwise instructed by the Court. Trial will generally commence at 8:30 a.m. each day with lunch from noon to 1:00 p.m. and will conclude at 5:00 p.m., unless otherwise instructed by the Court.
- c. The Court will accommodate the schedules of professional witnesses (including health care professionals) to the extent possible without prejudicing other parties in the case. The Court anticipates that each party will have witness(es) available for consecutive testimony without undue delay. The parties shall coordinate witness scheduling prior to trial.
- d. Audio-visual equipment. If any party intends to use any special equipment, such as video tapes, movies, slides, Power-Point, or tape recorders, the court has a projector screen but no audio equipment for the parties to use. Please bring extension cords for any computer or audio equipment, as electrical outlets are very limited in the courtroom. The Court encourages coordination and co-use of such equipment as space is limited. Also, the parties may contact the Division C staff to schedule a time to test their own equipment or audio systems.
- e. All persons, including parties, attorneys, prospective jurors during *voir dire*, and Court personnel will be addressed as "Mr.," "Mrs.," "Ms.," "Dr.," or other professional title, unless approved in advance by the Court. Individual consideration will be given regarding children and minors prior to trial.
- g. Disputes as to the admissibility of portions of depositions, deposition videotapes, or portions of any audio or visual exhibit must be brought to the Court's attention at least 10 days prior to trial.

5. Jury Trials:

- a. Jury Instructions: The parties are to compile a stipulated set of the necessary jury instructions in accordance with C.R.C.P. 351 and 351.1 and they must be in editable Word format and in "Arial" 12-point font. For any specialized instruction not contained in CJI, the party must present two instructions; one with the authority provided and one without the authority. Authority for the instruction shall appear at the bottom. The Court will not take trial time to work on instructions; rather, the Court will have counsel come in early, stay late, or work through lunch hours to work on instructions. The parties shall submit the proposed instructions to the Court no later than 5 PM before the first day of trial. Each party is also to submit a set of non-stipulated proposed instructions in the same fashion (the Court

will then have 3 “sets” of instructions—stipulated instructions, Plaintiff’s proposed instruction, and Defendant’s proposed instructions). The parties must stipulate to Jury Instruction number 2:1 (and 2:2 and 2:3, if relevant) so that the Court can read that Instruction to the jury at the beginning of jury selection.

- b. The jurors will have filled out a jury questionnaire which you will be able to review prior to questioning. Please do not ask the same questions which are on the questionnaire.
- c. The Court considers that the purpose of *voir dire* is to ensure a fair and impartial jury and will limit case-specific questioning to only those issues which may, in the Court’s opinion, affect the fairness or possible bias and impartiality of the prospective jurors. The Court will not permit pre-trial indoctrination, discussion of case-specific facts or legal theories, or hypothetical questions during *voir dire*.
- d. The unsuccessful party is responsible for costs incurred as a result of the jury trial including juror fees and meals. CRS § 13-71-145.

6. Sanctions

The failure by any party or counsel to comply with any of the Colorado Rules of County Court Civil Procedure or any Order of the Court may result in the loss of trial date, the striking of witnesses, exhibits, and/or claims or defenses, or other appropriate sanctions.

SO ORDERED BY THE COURT



Monica J. Gomez
County Court Judge
El Paso County, Colorado

cc: All parties

The Court instructs counsel for the moving party (or the party if unrepresented) to serve a copy of this order on any *pro se* party within three (3) days of receipt.