

District Court, El Paso County, State of Colorado 270 South Tejon Street Colorado Springs, CO 80903-2203 Phone Number: (719)452-5000	
<hr/> Plaintiff: , v. Defendant: .	<hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: Div. 16 Ctrm.: S370
CIVIL PRETRIAL ORDER-JURY TRIAL TRIAL DATE: LENGTH OF TRIAL:	

PLEASE BE ADVISED THE 4TH JUDICIAL DISTRICT IS A MANDATORY ICCES E-FILING DISTRICT FOR CIVIL CASES. ALL RESPONSES AND REPLY TO MOTIONS MUST BE LINKED THROUGH ICCES

These instructions are binding upon the parties to a civil action. Rules 16 and 16.1 shall be complied with.

1. A signed Trial Management Order (“TMO”) will be submitted to the Court in accordance with C.R.C.P 16(f) no later than 28 days prior to trial. If either party desires a trial management conference, or if there are *pro se* parties involved, it will be counsel's responsibility to set this matter for a trial management conference. Although not required, the Court encourages the filing of trial briefs no later than the Thursday before trial.

2. As attachments to the TMO, the parties shall file with the court their final exhibit and witness lists. The witness list shall identify the witness, the order of calling, the anticipated length of testimony, and if an expert, whether the opposing side has an objection to the witness' expertise. If there is such an objection, the CV and report(s) of the expert shall be filed with the TMO. Certification of an agreed private court reporter contract shall also be included pursuant to paragraph 5.

Pursuant to Rule 16, all exhibits shall be identified and listed by number or letter as appropriate with a statement as to whether there is an objection and the grounds. A failure to object to authenticity will waive the objection.

3. The proposed jury instructions and Judge's notebooks with all marked trial exhibits should be submitted to the Court the Thursday before trial with citations to CJI and any appropriate case law. All instructions shall be double-spaced and prepared with 12-pitch Times New Roman font. The instructions should be provided in the order agreed to by the parties. Any disputed instructions should be designated as such and any argument with authority for/against the instruction shall be submitted at that time. Each party should provide their own proposed instruction for any that are in dispute. This requires at least three sets of instructions to be submitted depending upon number of parties. Counsel will be responsible for providing "clean" copies of the final instructions approved by the Court and should have their personal laptop computer and printer available in the courtroom for producing those copies and making any last minute changes.
 - A. A stipulated set
 - B. Plaintiff's disputed instructions
 - C. Defense disputed instructions
4. On the morning of trial, if you want the jurors to have a copy of the exhibits, you should come to the courtroom with nine (9) three-ring binders containing copies of all the exhibits which are agreed upon in the case for the Court and jury. Any exhibits not agreed to be admitted to the jury should not be included in the juror notebooks, but should be copied and available for insertion into the notebooks in the event they are later admitted. All exhibits should be numbered or lettered for trial.
5. A copy of the private court reporter acknowledgement of court policy (attached) shall also be filed with the court on the morning of trial. Pursuant to Chief Judge Order 2011-05, if the party wishes to hire a private court reporter to prepare the transcript, it shall secure the agreement of the other party and both sides shall, prior to trial, enter into a written agreement with the private court reporter for compensation, and also have the court reporter sign the attached contract. If both sides cannot or will not enter into the written agreement, a private court reporter will not be allowed in the courtroom to memorialize the proceedings. The parties shall instead rely upon the FTR recording device and transcriptionists who are contracted by the State of Colorado, 4th Judicial District for transcript preparation.
6. The jury will be given modified instruction #1:4, allowing the jurors to discuss the case prior to closing arguments.
7. The Court will be in session on this case Tuesday through Friday from 9:00 a.m. through 12:00 p.m. and from 1:30 p.m. to 5:00 p.m. A short morning and afternoon break will also be provided. If the trial continues into the following week, it will resume on the following Tuesday at 9:00 a.m.
8. All civil cases in this jurisdiction are tried in priority based on the date of filing of the case, oldest case first (with certain statutory exceptions). Regardless of your priority, you should plan on trying your case as scheduled unless you receive written permission from

the Court to vacate the trial. Do not assume that a stipulated motion to continue will be granted.

9. All motions shall be identified by general content and/or relief requested. All motions shall include the required certification of consultation with opposing counsel to the extent required by the rule.
10. As with all other motions, if counsel for any party intends to object to the admissibility of any expert testimony as contemplated by *People v. Shreck*, 22 P.3d 68 (Colo. 2001), such objections must be made by written motion filed 70 days before trial. Failure to file such motions will be deemed a waiver of *Shreck* admissibility objections. If such motions are filed, the Court will decide if a hearing is required. Pursuant to Rule 16(b)(9), pretrial motions including motions *in limine* shall be filed no later than 35 days before the trial date and all C.R.C.P 56 motions must be filed no later than 91 days before trial.
11. *Voir dire* and opening statements are limited to 20 minutes by each party; closing arguments are limited to 30 minutes by each party. If there are multiple parties, the Court will determine the amount of the time to be apportioned. Ordinarily, 17 jurors will be called to the box. Each side will have five peremptory challenges (which includes one challenge for an alternate). The jury normally will consist of six jurors and one alternate. The alternate will be designated as the fifth juror remaining (counting from seat #1) after challenges.
12. You will be provided with copies of the completed jury questionnaires and a seating chart for the potential jurors prior to commencement of *voir dire*. At the conclusion of *voir dire*, all copies will be returned to the Court and will be destroyed. The original questionnaires will be placed in an envelope, sealed, and maintained for appellate purposes.
13. If a controversy that cannot be worked out arises between counsel prior to trial, the case should be set with the division clerk for a status conference. Please familiarize yourself with the separate *Discovery Protocol Order* previously issued in this case.
14. All counsel and parties are required to comply with this Civil Pre-Trial Order. If you have any questions concerning the content of these instructions, you should arrange for a status conference with the Court.
15. Parties are ordered to participate in ADR no later than 60 days prior to the trial date. Notice of ADR is to be filed with the court. At the conclusion of ADR, counsel shall advise the court whether the case will proceed to trial or if there has been a full or partial settlement of the issues.
16. Counsel are charged with serving copies of all orders and pleadings on unrepresented parties pursuant to C.R.C.P. 4. If all pre-trial matters have not been submitted in compliance with these instructions, the Court, may, in appropriate circumstances, vacate the trial date and/or assess attorney fees. If any party fails to comply with the terms of

these instructions, either personally or through counsel, the Court may take appropriate action including, but not limited to striking that party's claims or defenses, limiting subsequent discovery by that party or any other action appropriate.

17. Finally, barring a post-trial settlement and dismissal, each party is responsible for uploading all of their trial exhibits including exhibits deemed inadmissible by the Court to ICCES. Please see the attached *Order re: Exhibit Disposition*.

BY THE COURT:

A handwritten signature in cursive script that reads "G. D. Miller".

G. DAVID MILLER
District Court Judge

Order re: Exhibit Disposition

The attached Notice of Exhibit Disposition will be provided to all parties at the conclusion of a hearing or trial. Standard exhibits presented at hearing or trial will be disposed (or retained) pursuant to this order.

Exhibits presently retained in the court will be disposed of without further notice if not reclaimed within 60 days after entry of final judgment and subsequent to appellate timeframes. Disposition will be in compliance with the Colorado Judicial Department Retention and Disposition Schedules.

The courts are not able to retain possession of large exhibits. Large exhibits will be returned to the offering agency or counsel at the conclusion of the hearing or trial.

Exhibits may be reclaimed by the party introducing them or by counsel for that party. The Notice of Exhibit Disposition must be signed by the reclaiming party/counsel and will be retained by the court.

Where a case exists in electronic format as the result of mandatory efilings:

- Exhibits will not be retained by the court. Exhibits *shall* be reclaimed by the introducing party or by counsel for that party. The Notice of Exhibit Disposition must be signed by the reclaiming party/counsel and will be scanned and uploaded by the court.
- Exhibits will be scanned and uploaded by the appropriate party into the court's designated image repository
 - Exhibits must be scanned and uploaded under two different transaction IDs, those admitted by the court at hearing or trial, and those offered, but not accepted.
 - For each transaction ID, the filing party must utilize the document title field whether the document was admitted or only offered.
 - The document title field also must include exhibit numbers, and the date and type of hearing.
- Even in those proceedings utilizing a private court reporter, exhibits are to be reclaimed by the filing party or counsel for the filing party for scanning and efilings as described above. Court reporters will have access to the efiled exhibits.
- Guidelines may be reviewed on the Colorado Courts website at <http://www.courts.state.co.us> by clicking on the ICCES link.
- Oversized exhibits must be photographed by the filing party and the images efiled in the same manner as all other exhibits.
- Rather than scanning and efilings exhibits, an electronic version of the exhibits (CD, flash drive, etc.) may be provided to the court after a trial or hearing.

4th Judicial District, State of Colorado

Policy Regarding Use of Freelance Court Reporters in Civil Cases

1. In all civil proceedings, counsel, upon agreement have the option to hire a freelance court reporter. The retention rate shall be agreed to by the parties who shall be solely responsible for payment. Any dispute between the parties and the court reporter as to the terms of the reporter's employment shall be determined by the court.
2. Absent a contrary court order, the record made by the reporter is the official record of the proceedings.
3. The freelance reporter shall complete and provide a copy of this form to the clerk of the division in which the case is heard and to the local Judicial Administrator.
4. In the event of an appeal, the freelance reporter is responsible for preparation of the record according to Colorado Appellate Rule 10(b) and shall coordinate filing of same with the appeals clerk.
5. The freelance reporter shall make available upon request of the court, at no cost, an electronic copy of any transcript prepared from the proceedings for court use only.
6. The freelance reporter shall leave any reporting paper notes and/or a copy of the electronic notes of the proceedings with the Court Administrator or designee.
7. The freelance reporter is not the custodian of the exhibits and shall not retain custody of the original exhibits. The exhibits shall be retained pursuant to Chief Judge Order 10-1 for the Fourth Judicial District.
8. The court reporter listed herein shall be given a first right of refusal regarding transcript preparation so long as contact information is kept current with this court.
9. The freelance reporter shall remain under the jurisdiction of the court for all matters regarding the completion and transmission of the record on appeal. Failure to abide by the court orders, to include requirements to timely complete the transcript and/or keep the court advised as to the court reporter's whereabouts during the transcription process shall subject the reporter to penalties to include contempt of court and denial of future contract opportunities.
10. It is understood that the freelance reporter is not an employee of the State of Colorado.

Case No. _____ Judge/Div _____

Case Name _____

Freelance Court Reporter Information

[Name, address, telephone number, email address, other contact information]

I understand the above policy and agree to its terms.

_____ Date: _____