

**HON. VERNON D. OLIVER'S STANDING ORDER
ON JOINT TRIAL MEMORANDA IN CIVIL AND
CRIMINAL CASES**

The parties shall confer and jointly shall prepare and submit for the court's approval a Joint Trial Memorandum in compliance with this district's Standing Order Regarding Trial Memoranda in Civil Cases (as modified by these instructions). A joint trial memorandum in compliance with these instructions is required in both civil and criminal cases. In addition to filing the Joint Trial Memorandum on the Electronic Court Filing system, counsel also shall provide chambers with a **courtesy copy of the Joint Trial Memorandum and all attachments, no later than one business day after the filing of the memorandum**, both in hard copy and as an electronic file compatible with Microsoft Word (via e-mail, USB, or CD-ROM) to: [CTDml District Judge Oliver@ctd.uscourts.gov](mailto:CTDml.District.Judge.Oliver@ctd.uscourts.gov). The Joint Trial Memorandum is intended to be a **jointly-prepared document**. Therefore, these instructions are not satisfied by stapling together trial memoranda prepared separately by counsel for each party.

The Joint Trial Memorandum shall contain the following information:

1. **TRIAL COUNSEL**: Counsel shall list the names, addresses, telephone numbers, fax numbers, and e-mail addresses of the attorney(s) who will try the case. If a party is proceeding as a self-represented litigant, the Joint Trial Memorandum, shall provide a telephone number and email address for the party. **Trial counsel/and or any self-represented party must attend the Final Pretrial Conference, unless excused in advance by the court.**
2. **JURY/COURT TRIAL**: The parties must state whether the case is to be tried to a jury or to the Court.
3. **TRIAL BY MAGISTRATE JUDGE**: The parties must indicate whether they have agreed to a trial by Magistrate Judge and if so, filed consent forms providing for any appeal to be heard directly by the Court of Appeals.
4. **LENGTH OF TRIAL**: The Parties must set forth a realistic estimate of trial days required for the entire trial, from the commencement of evidence to the conclusion of closing arguments, based on the expected length of testimony for each witness on direct and cross-examination.
5. **REMAINING PRE-TRIAL MATTERS**: Counsel shall specify whether there exist any outstanding pre-trial matters requiring the court's adjudication.

6. **NATURE OF THE CASE**: The plaintiff(s) must separately state the nature of each cause of action and the relief sought. The defendant(s) must separately state the nature of any affirmative defense that counsel may present at trial. If applicable, the parties must also state the nature of, relief sought, and affirmative defenses for any crossclaims or counterclaims.

7. **EVIDENCE**: **At least 14 days prior to preparing and submitting the Joint Trial Memorandum, counsel are required to exchange lists of proposed witnesses, exhibits, and deposition transcripts, to enable each party to state in the memorandum whether they object to any proposed witness, exhibit or transcript.** The Joint Trial Memorandum must include the following disclosures:
 - a. **Witnesses**: Counsel shall set forth the names and addresses of each witness to be called at trial, including a brief summary of the anticipated testimony and the expected duration of the witness's testimony. Counsel shall indicate which witnesses are likely to testify and which witnesses will be called only if the need arises. For each expert witness, counsel shall set forth the opinion to be expressed, a brief summary of the basis of the opinion, and a list of the materials on which the witness intends to rely. Counsel also shall state the area of the witness's expertise and attach a copy of the expert's report and a curriculum vitae, if available. Any objection to the admissibility of the testimony of any witness must be stated in this section of the Joint Trial Memorandum, along with a brief statement of the grounds and authority supporting the objection, as well as a brief statement from the proponent of the witness regarding admissibility.

NOTE: Witnesses not included in this list shall not be permitted to testify at trial, except for good cause shown. Each listed witness will be permitted to testify unless there is an explicit objection stated to the witness's testimony.

- b. **Exhibits**: Counsel shall attach a list of all exhibits to be offered at trial (including a brief description of their contents), except for any exhibits solely to be used for impeachment. The parties shall mark all exhibits numerically with exhibit tags, starting with Plaintiff's Exhibit "1" and Defendant's Exhibit "501." Exhibit tags can be provided by the Clerk's Office upon an in-person request; their office is located at Suite 102A of the Abraham A. Ribicoff Federal Building (450 Main Street, Hartford, CT). In cases with multiple

plaintiffs or defendants, counsel shall ensure that exhibit numbers are not duplicated. Copies of the actual exhibits shall be exchanged no later than ten (10) days prior to submission of the Joint Trial Memorandum. **Copies of all exhibits as to which there may be objections must be provided to chambers five (5) days before the Pretrial Conference in a three-ring binder, with each exhibit separately tabbed. At the front of the binder, there shall be an index of the exhibit list.** The parties shall provide chambers with a finalized three-ring binder containing copies of all exhibits at least three (3) days before trial. By such time, the parties shall deliver to the Courtroom Deputy an electronic copy of all exhibits on a USB drive, DVD or CD. The electronic copies of the exhibits should be identical to the exhibits proposed to be admitted (inclusive of the exhibit sticker), together with an exhibit list. The file names for these exhibits shall be neutral descriptions of the exhibit. The parties shall exchange lists of the file names of the electronic exhibits and shall raise any objections to the file names with the Court one day prior to closing arguments. Any objection to the admissibility of an exhibit must be stated in the Joint Trial Memorandum, along with a brief statement of the grounds and authority supporting the objection, and a brief statement from the proponent of the exhibit in support of its admissibility.

Each document or image exhibit must be in **.pdf** format. Audio and video exhibits must be produced in one of the file formats: .avi, .wmv, .mpg, .mp3, .mp4, .wma, .wav, or .3gpp. Each exhibit file must not be greater than 500 megabytes; exhibits larger than that should be bifurcated into two or more exhibits.

NOTE: Exhibits not exchanged seven (7) days before submission of the Joint Trial Memorandum, and exhibits not listed therein will not be admitted at trial, except for good cause shown and except for any exhibits admitted solely for impeachment. Each listed exhibit shall be deemed admissible unless there is an explicit objection thereto.

ADDITIONALLY, if either party intends to offer at trial any video, audio, or other media evidence that requires editing or alteration before being provided to the jurors for use during deliberation, such edited or altered exhibits must be provided to the court five (5) days before the Pretrial Conference on an electronic storage device that accompanies the exhibit binders. For example, if a party wishes to offer a portion of an otherwise-lengthy video or audio recording, they must provide the edited exhibit in advance of the pretrial conference for review

by the court (and by the opposing party).

- c. Deposition Testimony: The parties shall note each witness expected to testify by deposition at trial. Such list of (deposition-only) witnesses shall refer by page to the portions of deposition transcript each party proposes to read into evidence. Cross designations shall be listed as provided by Fed. R. Civ. P. 32(a)(6). The list shall include all objections to deposition designations. A marked-up version of the deposition transcript also should be submitted along with the Joint Trial Memorandum (blue for plaintiff; red for defendant).

NOTE: Objections not stated in the Joint Trial Memorandum will be deemed waived, except for good cause shown.

8. MOTIONS IN LIMINE: On the same day they file the Joint Trial Memorandum, the parties must file any motions *in limine*, accompanied by a memorandum of law that complies with the page limits of the Local Rules. **Each motion in limine must be filed as a separate ECF document.** The parties must file any objections to each other's motions within 7 days, unless otherwise ordered. Reply briefs may be filed within 3 days after objections. No later than one business day after briefing on a motion *in limine* is complete, the moving party shall compile all of the briefing for that motion (including the moving papers, opposition and any reply (and deliver a courtesy copy to chambers. If there are multiple motions filed by a party, that party shall submit separate courtesy copy binders for each motion.
9. STIPULATIONS, AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW: Counsel for both parties shall confer in an effort to enter into a written stipulation of uncontroverted facts, and into an agreed statement of the contested issues of fact and law. No evidence shall be presented on the uncontested facts.
 - a. Bench Trial: Each party shall submit specific proposed findings of fact necessary to support a judgment in that party's favor and identifying each witness and/or exhibit as to each such factual conclusion. Each party also shall submit proposed conclusions of law, citing the legal authority that supports each claim or defense.
 - b. Jury Trials: The stipulation of uncontroverted facts will be read to the jury, and no evidence shall be presented on those uncontested facts.

10. JURY TRIALS: If and only if the matter is to be tried to a jury, the parties must provide as attachments to the Joint Trial Memorandum the following:

- a. Statement of the Case: Counsel shall meet and confer, and agree upon a brief description of the case, its issues, and its parties, so that the court can read it to the prospective jurors at jury selection.
- b. Proposed Voir Dire Questions: Within the Joint Trial Memorandum, Counsel shall include a list of questions to be submitted to the jury panel. Any supplements thereto must be submitted no later than 24 hours before jury selection.
- c. List of Parties, Counsel, and Witnesses: A list that includes: (i) all parties to the action; (ii) the attorneys representing each of the parties, including each attorney's firm/agency; and (iii) any witnesses either party may call. This list will be provided to the jury panel at jury selection to assist in screening for prior knowledge of counsel, parties and witnesses. The parties should confer and provide one combined list of all required information.
- d. Proposed Jury Instructions: The parties shall meet and confer for the purposes of preparing and filing any proposed jury instructions. Relevant legal authority must accompany each proposed instruction. Within 7 days of filing of the proposed instructions, the parties shall meet and confer to attempt to narrow any disputes about the parties' proposed instructions. At least 3 days before the Final Pretrial Conference, the parties shall jointly submit to the Court combined, revised proposed jury instructions, identifying any instructions that remain in dispute as well as the objection(s). If any party objects to another party's proposed instruction, they briefly must state the nature of the objection and the legal authority supporting the objection. Counsel should only file case-specific instructions and are not required to submit general jury instructions which, for example, instruct the jury on its role, evidence in general, witness credibility, etc.
- e. Proposed Verdict Form: The parties shall meet and confer for the purposes of preparing and filing a proposed verdict form and/or special interrogatories. Such documents shall be attached to the Joint Trial Memorandum. If the parties are unable to agree as to the appropriateness

of a proposed form, the objecting party must state the basis for the objection and provide an alternative proposal.

- 11. COURTROOM TECHNOLOGY: The parties shall specify what, if any, technology they intend to use during trial. For instance, if a party intends to use an overhead projector, transparencies, or an ELMO visual presenter, or to connect a laptop in order to display exhibits or other documents, this detail must be specified in the Joint Trial Memorandum. The parties must coordinate with the Courtroom Deputy, Jessalyn Samson, to set up any technology at least 10 days in advance of the start of evidence. Failure to do so may preclude the use of such technology.

- 12. JURY EVIDENCE RECORDING SYSTEM: The Court uses the Jury Evidence Recording System (JERS). The parties shall comply with the protocols for using JERS, which are available on the District website.

IT IS SO ORDERED. Entered at Hartford, Connecticut, this 8th day of November, 2023.

/s/
VERNON D. OLIVER
United States District Judge