

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

**Hon. Sarala V. Nagala, U.S. District Judge**

**INSTRUCTIONS FOR JOINT TRIAL MEMORANDUM**

The parties shall confer and jointly prepare and submit for the Court's approval a Joint Trial Memorandum in compliance with the District's Standing Order Regarding Trial Memoranda in Civil Cases, as modified by these instructions. **In addition to filing the Joint Trial Memorandum on the docket, two courtesy copies shall be provided to chambers in counseled cases no later than one business day after the filing of the Joint Trial Memorandum.**

The Joint Trial Memorandum is intended to be a jointly prepared document. Therefore, these Instructions are not satisfied by combining separate trial memoranda prepared by each party.

The Joint Trial Memorandum must contain the following information:

1. **TRIAL COUNSEL**: The parties shall list the names, addresses, telephone numbers, and email addresses of the attorney(s) who will try the case. If a party is proceeding *pro se*, 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/NON-JURY**: The parties must state whether the case is to be tried to a jury or to the Court.
3. **LENGTH OF TRIAL**: The parties must set forth a realistic estimate of trial days required for the entire trial, from the commencement of trial evidence to the conclusion of closing arguments, based on the expected length of testimony for each witness on both direct and cross-examination.
4. **FURTHER PROCEEDINGS**: The parties must specify, with reasons, the necessity of any further proceedings prior to trial, aside from pretrial conferences.
5. **NATURE OF 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 cross-claims or counterclaims.
6. **TRIAL BY MAGISTRATE JUDGE**: The parties must indicate whether they have agreed to a trial by a Magistrate Judge and if so, file signed consent forms providing for any appeal to be heard directly by the Court of Appeals.
7. **EVIDENCE**: **At least 14 days prior to preparing and submitting the Joint Trial Memorandum, the parties are required to exchange lists of proposed witnesses,**

**exhibits, and deposition transcripts to enable counsel for each party to state in the Joint Trial Memorandum whether there is an objection to any proposed witness, exhibit, or transcript.** The Joint Trial Memorandum must include the following disclosures:

- a. Witnesses: The parties must set forth the names and addresses of each witness to be called at trial, including a summary of the anticipated testimony and the expected duration of the witness's testimony. The parties must indicate which witnesses are likely to testify and which witnesses will be called only if the need arises.

For each expert witness, the parties must set forth the opinion to be expressed, a summary of the basis of the opinion, and a list of the materials on which the witness intends to rely. The parties must also state the area of the witness's expertise and attach a copy of the expert's report and a curriculum vitae.

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 counter-statement from the proponent of the witness regarding admissibility.

**Any witness whose name is not disclosed in the Joint Trial Memorandum may be precluded from testifying at trial absent good cause shown for non-disclosure. All listed witnesses will be permitted to testify unless there is an explicit objection stated to the witness's proposed testimony.**

- b. Exhibits: The parties must include a list of all exhibits to be offered at trial with each exhibit identified with reasonable specificity. The parties must mark all exhibits numerically with exhibit tags, with the plaintiff's exhibits beginning with the number 1 and the defendant's exhibits beginning with the number 500. Where there are multiple plaintiffs or defendants, the parties must coordinate exhibit identification to ensure that exhibit numbers are not duplicated.

Any exhibit not listed in the Joint Trial Memorandum, except for exhibits admitted solely for impeachment purposes, may be precluded from admission at trial absent good cause shown for non-disclosure. All listed exhibits shall be deemed admissible unless there is an explicit objection to the exhibit stated.

Any objection to the admissibility of an exhibit 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 counter-statement from the proponent of the exhibit regarding admissibility. **In counseled cases, each party must provide to chambers two courtesy copies of any exhibits as to which there are objections no later than one business day after the filing of the Joint Trial Memorandum.**

The day of jury selection, the parties shall deliver to chambers four copies of all exhibits, placed in a three-ring binder, with the exhibit list at the front of the binder and with each exhibit separately tabbed. The parties shall also deliver to

the Courtroom Deputy the original set of exhibits in a three-ring binder, with the exhibit list at the front of the binder and with each exhibit separately tabbed. If a party's exhibits will occupy more than three large binders, the parties shall contact the Courtroom Deputy about possible alternate arrangements to provide fewer than four copies.

- c. Deposition Testimony: The parties must list each witness who is expected to testify by deposition at trial and are strongly encouraged to agree in advance on what portions of deposition testimony will be admitted at trial. Such deposition witness list must include a designation by page references of the deposition transcript that each party proposes to read into evidence, including designations of transcripts for each deposition from which a party proposes to have video played at trial. Cross-designations must be listed as provided by Fed. R. Civ. P. 32(a)(6). The list must include all objections to deposition designations. A marked-up version (blue for plaintiff; red for defendant) of the relevant pages of the deposition transcript must be submitted as a trial exhibit by any party seeking to admit deposition testimony; a copy of the marked-up excerpts should also be submitted to the Court as an attachment to the Joint Trial Memorandum.

**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 that 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 objection to each other's motions *in limine* 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 two courtesy copies to chambers. If there are multiple motions *in limine* filed by a party, each motion should be placed in its own binder.
9. STIPULATIONS AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW: The 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.

In a bench trial, each party shall submit specific proposed findings of fact necessary to support a judgment in that party's favor, identifying each witness and/or exhibit offered with respect to each factual conclusion. Each party shall also submit proposed conclusions of law, citing the legal authority that supports each claim or defense.

In a jury trial, any stipulations of uncontroverted facts will be read to the jury, and no evidence shall be presented on the uncontested facts.

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

- a. Brief Description of Case and Parties: A brief description of the case, the parties, and the issues in dispute, jointly agreed to by the parties, that the Court may read to proposed jurors at the outset of jury selection.
- b. Proposed Voir Dire Questions: Each party shall submit a list of questions to be asked to the jury panel as part of the Joint Trial Memorandum. Any supplemental questions must be filed on the docket 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; 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 parties, counsel, and witnesses. The parties should confer and provide one combined list of all requested information.
- d. Proposed Jury Instructions: Each party shall submit proposed jury instructions, including legal authority for 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' proposals. At least 3 days before the Final Pretrial Conference, the parties shall jointly submit to the Court combined, revised jury instructions, identifying any instructions that remain in dispute. With respect to these revised jury instructions, both parties' proposed instructions shall be submitted in a single document that includes any objections a party may have to instructions proposed by another party. For any disputed instruction, each party shall set forth its proposal and the legal authority supporting its proposal.

The parties need only submit case-specific proposed jury instructions and need not 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' requested jury verdict forms.
- f. Jury Evidence Recording System: The Court uses the Jury Evidence Recording System (JERS). The parties shall review and comply with the protocols for using JERS, which are available here: <http://www.ctd.uscourts.gov/jury-evidence-recording-system-jers>

At least three business days before closing arguments, the parties must submit an electronic copy of all exhibits to the Courtroom Deputy. The electronic evidence files should be provided 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). 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.

Each document or image exhibit in the electronic exhibit set must be in **.pdf** format. Audio and video exhibits must be produced in one of the following 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.

11. COURTROOM TECHNOLOGY: Parties shall specify what, if any, technology they intend to use during trial. For instance, if a party intends to connect a laptop to display exhibits or other documents or intends to use the ELMO document camera, the party shall specify as much in the Joint Trial Memorandum. Parties may coordinate with the Courtroom Deputy, Michael Bozek, to set up any technology in advance of trial. Any technology requests shall be made to the Courtroom Deputy at least ten days prior to the commencement of evidence. Failure to make technology requests by this deadline may preclude the use of such technology.

*Last Updated August 11, 2022*