

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**

Plaintiff(s)

V.

CIVIL ACTION NO.

Defendant(s)

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ORDER SETTING CIVIL CASE FOR JURY TRIAL

STEARNS, DJ.

THE ABOVE-CAPTIONED ACTION IS HEREBY SET FOR JURY TRIAL ON \_\_\_\_\_, 2021 at 9:00 AM IN COURTROOM # 21, JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE, BOSTON, MA.

ON OR BEFORE \_\_\_\_\_, 2021, COUNSEL SHALL FILE ELECTRONICALLY THE FOLLOWING MATERIALS WITH THE COURT:

1. Any stipulated or admitted facts in a form suitable for presentation to the Court or jury;
2. A list of prospective witnesses, including names, city or town of residence, or business institutional address;
3. The parties shall designate deposition testimony and/or discovery responses to be offered at trial, as follows:
  - A. Each party shall designate any portions of depositions or interrogatory responses to be offered at trial and shall identify the testimony, by inclusive page and line, in **YELLOW**

HIGHLIGHTER. The parties shall include the cover page for each designation (identifying date, name of witness, and type of submission).

B. On or before \_\_\_\_\_, 2021 the parties shall exchange hard copies of such identifications.

C. Each party shall then identify any objections to be offered testimony and shall mark the objected-to portions, by inclusive page and line, in **PINK** HIGHLIGHTER, indicating the basis for each objection in the margin next to each objected-to portion.

D. On or before \_\_\_\_\_, 2021, each party shall submit a hard copy to the court\* containing the YELLOW HIGHLIGHTED designations sent to the party by the opposing side, along with PINK HIGHLIGHTED objections and margin notations the party has made to the proposed testimony.

4. A "Joint List of Exhibits" as to which there is NO objection, IDENTIFIED AND MARKED BY A SINGLE SEQUENCE OF NUMBERS, regardless of which party is the proponent of an exhibit (such exhibits are deemed ADMITTED and need NOT be independently offered at trial;

5. A "List of Exhibits to be Offered at Trial", as to which a party reserves the right to object, IDENTIFIED AND MARKED BY A SINGLE SEQUENCE OF CAPITAL LETTERS, regardless of which party is the proponent of an exhibit;

6. Motions in Limine or other requests regarding foreseeable disputes concerning evidentiary issues, including authority for the ruling requested;

7. A TRIAL MEMORANDUM addressing those items as to which there are foreseeable disputes concerning issues of law;

8. An informed estimate of the probable length of the trial, based on a trial schedule of 9:00 A.M. to 4:00 P.M. on the day of impanelment and 9:00 A.M. to 1:00 P.M. thereafter, until closings.

Each side is taxed for the time it spends on cross-examination of witnesses.

The time allotted by the court for opening statements and closing arguments is not included in the total. In any case exceeding one week's duration, the Court will impose time limits on the parties which will be STRICTLY ENFORCED;

9. In cases to be tried by a jury:
  - A. REQUESTS FOR SUBSTANTIVE INSTRUCTIONS WITH CITATION TO SUPPORTING AUTHORITY; \*\*
  - B. ANY PROPOSED OR SPECIAL VERDICT QUESTIONS;
  - C. ANY PROPOSED QUESTIONS FOR THE VOIR DIRE EXAMINATION;
  - D. A SUCCINCT AND NEUTRAL STATEMENT SUMMARIZING THE PRINCIPAL CLAIMS AND DEFENSES OF THE PARTIES TO BE READ TO THE VENIRE DURING EMPANELMENT.

10. All trial exhibits must be reclaimed by the end of the first business day following the day of the verdict. This policy is strictly enforced by the Court as there is no space at the Courthouse to store exhibits after a trial has ended. Exhibits not reclaimed by counsel will be discarded.

11. In all civil trials until further notice, the court will permit witness testimony by Zoom (or other live video link): (1) by agreement of the parties; (2) on a showing by a party that travel to the court entails undue expense or poses personal hardship or health risks for the witness; or (3) if for reasons of convenience the court so orders.

\*To the attention of the Courtroom Clerk.

\*\*Counsel need not submit boilerplate instructions; see model Civil and Criminal Pattern Instructions on Court's website

SO ORDERED.

RICHARD G. STEARNS  
UNITED STATES DISTRICT JUDGE

BY:

/s/ Timothy R. Maynard  
Deputy Clerk

DATE: 2021