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| DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 BANNOCK STREET DENVER, CO 80202 | ▲ COURT USE ONLY ▲ |
| In the Matter of the Application of COLORADO INDEPENDENT ETHICS COMMISSION And Plaintiffs: COLORADO ETHICS WATCH, v. Defendants: COLORADO INDEPENDENT ETHICS COMMISSION. | CASE NO. 08 CV 7995 COURTROOM: 19 |
| PRE-TRIAL ORDER | |

I. **ALTERNATIVE DISPUTE RESOLUTION.**

If this case will be set for more than one day, the parties will receive an Alternative Dispute Resolution (“ADR”) order. The certificate of compliance must be filed within ten days after completion of ADR.

II. **MOTIONS.**

1. Motions for summary judgment must be filed at least 75 days before trial.
2. Other pretrial motions must be filed at least 40 days before trial unless a different time is permitted by court order.
3. Motions *in limine* must be filed no later than 30 days before trial unless a different time is permitted by court order.
4. Motions will be accompanied by a brief or recitation of authority. There will then be a response, and a reply, unless this Court eliminates pleadings pursuant to C.R.C.P. 121. No other pleadings relating to a given motion will be accepted for filing unless permitted by court order. Do not combine motions or combine your own motions with a response or reply.

5. The requirements of C.R.C.P. 121(1-15) concerning the time for filing motions and the content and length of briefs will be strictly enforced. The Court may expedite the briefing schedule pursuant to C.R.C.P. 121(1-15).

III. **CASE MANAGEMENT ORDER.**

The provisions of C.R.C.P. 16 or C.R.C.P. 16.1 concerning a presumptive case management order will apply.

IV. **TRIAL SETTINGS.**

1. A setting date must be designated in the CMO, as set forth in C.R.C.P. 16 or C.R.C.P. 16.1, as amended.
2. Cases under C.R.C.P. 16 must be set for trial no later than 30 days after the case is at issue, and cases under C.R.C.P. 16.1 must be set for trial no later than 40 days after the case is at issue.
3. No case will be set further away than one year from the at issue date without the Court's permission. Before permission is granted, there may be a conference between counsel and the Court as to why a more distant trial date is necessary.
4. Trial settings will be done Tuesdays, Wednesdays, and Thursdays between 10:00 a.m. and noon.

V. **TRIAL MANAGEMENT ORDER.**

The Trial Management Order ("TMO") must comply strictly with the requirements of C.R.C.P. 16 or C.R.C.P. 16.1, as amended and must be filed at least 30 days before trial.

VI. **BEFORE TRIAL.**

1. All exhibits must be pre-marked. Plaintiffs will use numbers; defendants will use letters. Copies of exhibits must be exchanged as required by C.R.C.P. 16 or 16.1, as amended.
2. If you are going to use depositions in lieu of live testimony opposing counsel must be notified by proper identification of designated portions at least 40 days prior to trial. Any other party may then provide the parties with its designations at least 25 days before the trial date, with all reply designations by the proponent then made at least 20 days before the trial date. **THESE DEADLINES ARE A CHANGE FROM THE DEADLINES IN C.R.C.P.**

16(f)(3)VI(D). In all other respects that section of Rule 16 shall be complied with, except that a copy of the proposed testimony to be presented at trial should be submitted to the Court at least 10 days prior to trial. **The same rules apply to both videotape and written depositions.** When applicable, counsel is required to provide someone to read testimony.

3. Original depositions will remain sealed until counsel request at trial that they be unsealed. Before trial begins, you must give the Court copies of all depositions likely to be used at the trial, as either direct evidence or impeachment.
4. If you need an overhead projector, VCR, a monitor or any other form of audio-visual equipment, you must provide it.

VII. TRIAL BRIEFS

1. Trial briefs may be filed. They should be concise and should not repeat previously filed pleadings or motions. Trial briefs must be filed no later than ten days before the trial date.

VIII. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.

2. For court trials, counsel shall file with the division clerk, at least three weekdays before the commencement of trial, an original and one copy of Proposed Findings of Fact and Conclusions of Law along with a computer disk or CD. The Court uses **Microsoft Word**.

IX. INSTRUCTIONS FOR JURY TRIALS

1. **Jury Instructions and Orders of Proof.** Counsel are required to meet regarding jury instructions and the **proposed jury instructions shall be delivered directly to the court no later than three weekdays before trial. See C.R.C.P. 16(g). The party responsible for arranging the jury instruction conference shall be responsible for filing one set of agreed upon instructions.** This set need not be annotated. Each party shall also file, **within the same time frame**, those instructions they wish to tender but which are opposed. **Two** copies of the unstipulated instructions shall be filed, one with annotations and one without annotations. **All of these instructions should be provided to the Court on computer disk or disks and one hard copy. The Court uses Microsoft Word.** It is not necessary to submit the basic introductory instructions, other than a statement of the case in the form of a stipulated CJI (4th) Instruction 2:1 (see IX. 3 below). The Court will handle other introductory remarks to the jury itself.

2. If applicable to your case, combine the following instructions into one instruction: 3:7 and 3:8 (and 3:9 and/or 3:10 if applicable); 3:4, 3:11, and 3:14; 3:15 and 3:16; 5:1 and 5:5. To reduce the number of instructions given to the jury, other instructions that can be appropriately combined should be combined.
3. The parties should agree upon a simple statement of the case (Instruction No. 1) that the Court can read to the jury at the beginning of the trial (see IX 1 above).

X. **JUROR NOTEBOOKS.**

Each trial juror will be provided with a juror notebook. The court provides small (1½ inch) binders, but the parties must prepare and assemble their portion of the contents. See C.R.C.P. 16(f)(3)VI(C). Each page must be three-hole punched in advance so it can be placed in a notebook. If the parties are submitting so much material that it will not fit in the Court's binders, the parties must jointly submit their own binders of a suitable size. All notebook materials must be submitted at the same time as jury instructions.

1. **Exhibits or Excerpts of Exhibits.** Copies of *Stipulated* exhibits may be put in the juror notebooks. If exhibits are lengthy, stipulated excerpts may be used.
2. **Unstipulated Exhibits.** If a party wants a copy of an exhibit in the juror notebooks and the parties have not stipulated to its inclusion, the party should bring to trial eight (three-hole punched) copies of the exhibit; the Court may subsequently determine to permit placing such exhibits in the notebook if and when the exhibit is admitted.
3. **Glossary of Terms.** If there are any scientific or other specialized terms which will be used repeatedly, those should be set forth, with an agreed-upon definition. If the parties have a legitimate dispute about the definition of any term, just the term should be listed.
4. **Timeline of Events.** If a timeline of events would be helpful for the jury, a stipulated timeline may be included in the juror notebooks.

XI. **JURY SELECTION.**

1. Each side will have a maximum of 20 minutes for *voir dire*, unless additional time is requested and permitted in advance of the first day of trial. In multi-party cases, time must be divided between all parties on one side of the case.

2. The Court will ask some basic *voir dire* questions before counsel's *voir dire*.
3. Unless requested by counsel, *voir dire* will not be reported.
4. *Voir dire* will be conducted from the podium.
5. There may be one or two alternate jurors seated. The Court will advise counsel on the first day of trial how the alternate(s) will be designated.

XII. CONDUCT OF TRIAL.

1. **Scheduling/Use of Time.**
 - a. The trial day will start at 8:30 a.m. and end at 5:00 p.m. There will be a morning and an afternoon break of 15 to 20 minutes each. Lunch will run from approximately noon to 1:30 p.m.
 - b. Counsel and parties will be in court by 8:30 a.m. on the first day of trial so that counsel may discuss anything with the Court that needs to be dealt with before the trial begins.
2. **Opening Statements.** Each side will have a maximum of 20 minutes for opening statement. In multiple-party cases, this time must be divided between the parties. Additional time may be permitted by court order.
3. **Questioning Witnesses.** All questioning must be done from the podium unless permission is granted to approach the witness or the bench.
4. **Closing Arguments.** Each side will have 30 minutes for closing argument. In multiple-party cases, this time must be divided between the parties. Additional time may be permitted by court order.
5. **Withdrawal of Exhibits.** Because this courtroom no longer has a court reporter and because of a reduced work force in the clerk's office, the court will no longer maintain custody of exhibits at the conclusion of a trial or hearing. Unless all parties agree on the record that exhibits need not be maintained, the following procedure will be followed:
 - a. When the trial or hearing is concluded, each party will withdraw any exhibits or depositions which that party marked and/or admitted, whether or not admitted into evidence.
 - b. Each party will maintain in its custody the withdrawn exhibits and/or depositions without modification of any kind until sixty days after the time for the need of such exhibits for appellate or

other review purposes has expired, unless all parties stipulate otherwise on the record or in writing. It will be the responsibility of the withdrawing parties to determine when the appropriate time period has expired.

- XII. **GENERAL RULES**. Counsel for the plaintiff or the pro se plaintiff shall send copies of this order to all future counsel/parties in this case. (Except where the Court has E-filed to parties).

SO ORDERED this 26th day of January, 2009.

BY THE COURT:



Norman D. Haglund
District Court Judge

Movant shall serve copies of this Order on any pro se parties, pursuant to CRCP 5, and file a certificate of service with the Court within 10 days.