COURTROOM PROCEDURES AND TRIAL PRACTICE BEFORE JUDGE CRISTAL C. BRISCO

Counsel and self-represented litigants[1] are expected to have read and to comply with these Practices and Procedures. Parties may seek modification of any part of these Practices and Procedures as appropriate in a specific case. The Court may also alter them as appropriate in any case. These Practices and Procedures may be updated periodically, and the parties are responsible for checking the court's website to ensure they are following the most current version. Inquiries should be directed to the Courtroom Deputy Clerk at 574-246-8400.

[1] The word "counsel" throughout this document refers to both attorneys of record for parties and self-represented litigants.

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I. GENERAL COURTROOM EXPECTATIONS

A. Know the Federal Rules of Civil and/or Criminal Procedure, the Federal Rules of Evidence, and the Local Rules of the United States District Court for the Northern District of Indiana.

B. Comply with the Indiana Rules of Professional Conduct, as amended from time to time by the Indiana Supreme Court, and the Seventh Circuit Standards of Professional Conduct.

C. All counsel appearing before the Court must have a proper appearance on file in accordance with Local Rule 83-8.

D. Stand when speaking.

E. Address the Court, not opposing counsel.

F. Conversation between counsel and/or parties when opposing counsel is questioning or arguing is inappropriate.

G. Silence your cell phones and similar devices and do not use them when court is in session.

II. MOTIONS PRACTICE

Before filing any motion, the movant must meet and confer with the non-movant on the substance of the motion and determine whether the motion is opposed. The movant shall include a statement in the motion indicating whether the motion is opposed by the non-movant (and, if appropriate in a criminal case, by probation). Joint, uncontested, and agreed motions should be so identified in the title and the body of the motion.

The twenty-five (25) page limitation on all memoranda contained in Local Rule 7-1 shall be strictly enforced.

A. Motions for Extension of Time

Counsel shall act with reasonable diligence in litigating cases before the Court. Counsel have considerable input in the development of the Rule 16(b) Scheduling Order, and therefore the Court expects compliance with the deadlines within the Order. If counsel believes that an extension of a deadline is necessary, counsel should (1) contact opposing counsel to determine whether opposing counsel will object, and (2) file a motion for extension of time that includes the position of opposing counsel.

Counsel are advised to file motions for extension of time as far in advance as possible.

B. Filing Motions with Hyperlinks, Supporting Briefs, and Exhibits

Attorneys may include hyperlinks to cited law in their documents to be filed in CM/ECF. Hyperlinks are preferred but not required.

Motions and exhibits must be filed before supporting briefs so that the brief's citations refer to the motions' and exhibits' docket numbers. Exhibits may be attached to the motion, as Appendix A shows, or filed separately. If filed separately, the motion must be filed before the exhibits and must be accompanied by an appendix.

When electronically filing exhibits, number the exhibits and add a descriptive identifier. *E.g.*, "Ex. 1—Smith Dep." or "Ex. 3—Smith Employment Agreement" instead of just "Exhibit 1" or "Exhibit 3."

See Appendix A for examples of proper descriptive identifiers for electronically filed exhibits.

C. Rule 12 Motions

Plaintiffs may generally amend their complaints "once as a matter of course" within "21 days after service of a motion under Rule 12(b), (e), or (f)." Fed. R. Civ. P. 15(a)(1). When a complaint is amended, the Court's standard practice is to deny any pending Rule 12 motion without prejudice as moot.

D. Summary Judgment Motions

Motions for summary judgment and responses must comply with Fed. R. Civ. P. 56, Local Rule 56-1, and the procedures outlined therein. If a party plans to file a motion for summary judgment, counsel for that party shall contact counsel for the other parties to the action to determine if any other party also plans to file a motion for summary judgment.

Parties must specifically cite evidence for each fact designated in support of their summary judgment position. *See Bluestein v. Cent. Wis. Anesthesiology, S.C.*, 769 F.3d 944, 948 n.1 (7th Cir. 2014). Unsupported facts may be disregarded.

All statements of undisputed material facts and their responses shall be filed separately from the memoranda of law and shall include the line, paragraph, or page number where the supporting material may be found in the record. In complex cases, the Court finds it helpful when the parties submit an agreed timeline of events in addition to the statements of undisputed material facts.

Deposition Testimony Evidence

Citations to deposition transcripts must include specific page and line numbers. The cited pages—and at least the three pages immediately preceding and following—must be included as an exhibit. The Court may summarily deny motions that do not include the relevant excerpts.

Citation Form

See Appendix A for examples of proper citation format. In a supporting brief, cite the docket entry number, the attachment number (if any), and the .pdf page number as it appears in the header of the filed document. For example:

> Mr. Smith signed an employment agreement with ABC Corporation on May 1, 2012. (ECF 42-8 at 5).

That citation would refer to page five of attachment eight to the item filed at docket entry number 42.

Cross Motions

To avoid simultaneous briefing on "mirror image" motions, the following modified briefing schedule automatically applies to cross motions for summary judgment.

1. Motion and Brief in Support by Party A, using the Motion for Summary Judgment event when filing electronically in CM-ECF;

2. Cross-Motion, Brief in Support and Response in Opposition by Party B, using the Motion for Summary Judgment event, NOT the Response in Opposition event;

3. Reply in Support of Motion and Response in Opposition to Cross-Motion by Party A; using the Response in Opposition event (filer must link to the cross-motion); and

4. Reply in Support of Cross-Motion by Party B, using the Reply in Support of Motion event (filer must link to the cross-motion).

Motions to Strike

Collateral motions in the summary judgment process, such as motions to strike are strongly disfavored. *Custom Vehicles, Inc. v. Forest River, Inc.*, 464 F.3d 725, 727 (7th Cir. 2006) (Easterbrook, J., in chambers). Any dispute regarding the admissibility or effect of evidence should be addressed in the briefs. N.D. Ind. L.R. 56-1(f). For example, if a party believes that the other side's brief contains inaccurate facts or that the other side's Local Rule 56-1 Statement of Material Facts contains an unsupported assertion, then the complaining party should so argue in the response or reply brief, or in the responsive 56-1 Statement of Material Facts.

Motions to strike almost always would require the Court to decide significant issues (and, indeed, the underlying motion) on the merits and would multiply the briefs, because the other side should be allowed to respond. *Custom Vehicles, Inc.*, 464 F.3d at 727. Only on very rare occasions is a motion to strike appropriate, such as when an entire brief or Local Rule 56-1 Statement of Facts is defective. When it is appropriate, the motion must be made no later than 7 days after the filing of the purportedly offending brief or statement.

E. Motions for Preliminary Injunctive Relief

Motions for a temporary restraining order or preliminary injunction must address each requirement in Federal Rule of Civil Procedure 65. Counsel should also address:

1. When the alleged irreparable harm will occur.
2. Whether discovery will be required, with a brief explanation of the discovery sought.
3. Whether counsel seeks an evidentiary or argument hearing.
4. A proposed timeline for any discovery, hearings, and rulings.

F. Oral Argument

Oral argument on civil motions will be granted only in exceptional cases. *See also* N.D. Ind. L.R. 7-5.

G. Pending Ripe Motions

The Court makes every effort to rule on all matters in a timely fashion. However, if a motion for summary judgment has been fully briefed for 180 days or any other motion has been fully briefed for 90 days—or in exceptional circumstances—counsel may file a status report explaining the effect of the pending motion on the parties and on case progress. Counsel may not ask off the record about when the Court may rule on a substantive motion.

III. TRIAL

A. Trial Dates in Civil Cases

Generally, the Court will not automatically set a trial date in civil cases until after the dispositive deadline has passed and rulings have been made on any dispositive motions. If counsel believes that a trial date should be set at an earlier point, they may file a motion to set a trial date. A motion to set a trial date must include:

1. Whether the trial is by jury,
2. The number of days anticipated for trial,
3. Proposed trial dates, and
4. The position of opposing counsel.

If the dispositive motion deadline has not passed, the proposed trial dates should be at least 180 days after the deadline. This time period is intended to provide (1) the parties with time to fully brief the dispositive motion and (2) the Court with sufficient time to review the motion and, within the context of other matters on the docket, to prepare an opinion sufficiently in advance of trial so that the parties are aware of the issues to be resolved at trial.

B. Agenda for Final Pretrial Conference

1. Review of witness lists to determine who will testify and the subject of their testimony.
2. Review of exhibit lists and discussion of authenticity, admissibility, and objections.
3. Motions in *limine*.
4. Other pending motions.
5. Discussion of status of settlement / whether plea offer has been made, relayed, and rejected.
6. Discussion of length of *voir dire*, opening statements, and closing arguments.
7. Discussion of testimony that will be offered by way of deposition (objections).
8. Stipulations.
9. Separation of witnesses.
10. Review of jury selection process.
11. Expectation of daily trial schedules from parties.

C. The Venire and Voir Dire

1. Copies of complete juror questionnaires will be available to counsel, after 2:00 P.M., the Friday before the trial starts. As soon as the jury has been chosen, the questionnaires must be returned to the Courtroom Deputy Clerk.

2. Seating of the venire will be discussed at the final pretrial conference. Jurors are assigned numbers and must always be referred to by Juror Number rather than name. A seating chart will be available the morning of trial.

3. The Court will initiate and conduct the first part of voir dire. Pursuant to the Court's trial scheduling orders, counsel may file proposed questions they would like the Court to ask.

4. After the Court concludes its voir dire, counsel may have a brief opportunity to question the panel. This will be addressed at the final pretrial conference. Counsel conducting voir dire may not argue or ask jurors if they will be able to enter a certain verdict.

5. In civil cases, each side will have at least three peremptory challenges for the entire venire; the exact number will be addressed at the final pretrial conference. After all challenges, the appropriate number of jurors will be chosen in order of lowest draw numbers.

6. In civil cases, the Court ordinarily seats eight jurors. In certain cases, based upon the expected length of the trial, additional jurors may be seated. There are no alternate jurors in civil cases—all seated jurors will deliberate.

7. In criminal cases, the Court seats twelve jurors and two alternates. The alternate jurors will not deliberate. Ordinarily, the government will have six peremptory challenges and the defense will have ten peremptory challenges; plus any additional challenges for alternate jurors. Fed. R. Crim. P. 24.

D. Opening Statements and Closing Argument

1. Counsel should stand at the lectern during the opening statement and closing argument but may ask the Court for permission to leave the lectern.

2. The amount of time for opening statements and closing arguments will ordinarily be set at the final pretrial conference.

3. When opposing counsel is speaking, never divert the attention of the Court or the jury. Instruct clients and witnesses to do the same.

4. During opening statements, do not use an exhibit without the Court's approval unless admissibility is stipulated.

5. Confine opening statements to what you expect the evidence to show. It is not proper to use the opening statement to argue the case, to instruct as to the law, or to express counsel's opinion.

6. If Plaintiff is going to suggest a damages number to the jury in closing argument, it must be stated in the opening segment of the argument so that Defendant can respond.

7. Although Plaintiff is permitted to open and close final arguments, the large majority of the time must be spent in the opening portion.

8. Closing arguments must be based on the evidence and reasonable inferences from the evidence. Do not attack opposing counsel, offer personal beliefs or opinions, or make arguments likely to inflame passion or prejudice. Know what is proper in closing argument and what is not. *See United States v. Klebig*, 600 F.3d 700, 718–19 (7th Cir. 2009).

9. Counsel are encouraged to refer to the final jury instructions during closing argument.

E. Examination of Witnesses

1. When the trial begins, provide the Deputy Clerk and the Court Reporter with an updated list of witnesses you expect to call, if necessary. Please provide the correct spellings with phonetic spellings.

2. When calling a witness, announce and spell his or her full name for the benefit of the court reporter and the Court's staff.

3. Witnesses are to be asked questions, not argued with or given editorial commentary about their answers.

4. Do not display an exhibit to the jury until it has been admitted into evidence.

5. Counsel shall examine witnesses from the lectern but may request permission to approach a witness.

6. The Court may allow jurors to submit questions. If so, jurors will prepare written questions. The Court will review the questions and ask counsel for objections outside the hearing of the jury. The Court will then ask the permitted questions, and counsel will be allowed to ask additional questions of the witness based on the answers to the jurors' questions.

F. Objections to Questions

1. Stand when making objections. This calls the Court's attention to you and allows you to be heard more readily.

2. When making an objection, state only that you are objecting and specify the ground or grounds for that objection.

3. Objections must be brief and shall not recapitulate testimony or attempt to guide the witness.

4. The Court will ordinarily ask for a brief response from opposing counsel. Counsel shall not argue further without permission.

5. Only the attorney who handles the direct examination of a witness may raise objections when other counsel is examining the witness. Only the attorney who will cross-examine a witness may raise objections during direct examination.

G. Difficult Issues—Advance Notice

If counsel anticipate that any question of law or evidence is not routine, will provoke an extensive argument, or will require a proffer outside the presence of the jury, counsel should confer and attempt to resolve the matter. If agreement is not possible, counsel should give advance notice to the Court to allow for appropriate scheduling arrangements to be made. Such disagreements can often be addressed at the final pretrial conference.

H. Stipulations

1. Stipulations concerning exhibit admissibility and authenticity, as well as stipulations of fact, are not only encouraged, but are expected.

2. It is not necessary to file *proposed* stipulations. Only stipulations approved by both parties should be filed.

I. Use of Depositions

1. Pretrial orders in civil cases will ordinarily require advance designation of depositions or deposition excerpts to be offered at trial. This will ordinarily be addressed at the final pretrial conference.

2. A video deposition is better for the jury than a deposition read aloud in the courtroom, but an agreed summary of the deposition is far better. The Court urges the parties to stipulate to summaries of deposition transcripts, especially any deposition that would require more than forty-five minutes to read to or

play for the jury. Summaries of deposition transcripts are acceptable only by stipulation.

3. When referring a witness to her prior testimony, be clear whether you are doing so to refresh recollection or to impeach.

4. When a deposition is read for impeachment, the relevant transcript excerpts must be identified orally for the record by line and page reference. Counsel should ordinarily allow the witness to read the excerpts after the identification has been made for the record. A deposition used for impeachment need not be filed or marked as an exhibit.

5. Confer with opposing counsel to edit depositions to be used at trial, including video depositions, and remove unnecessary material.

6. The portions of a deposition to be read at trial shall be marked on the original transcript and the original transcript shall be marked as an exhibit and offered as an exhibit at trial. However, the exhibit shall not be included with the exhibits provided to the jury for its deliberations.

7. If a video deposition is to be shown at trial, both the video and the original transcript of the deposition (with the portions to be shown marked) shall be marked and offered as exhibits but shall not be included with the exhibits provided to the jury for its deliberations.

8. If a deposition is to be read at trial other than for impeachment, the party seeking to use the deposition shall place a person in the witness box and read the selected questions, with the person in the box reading the answers of the deposed witness to those questions.

9. If a deposition is to be used at trial other than for impeachment, and objections were made at the deposition, counsel should confer before the final pretrial conference. Any disputed issues will be addressed at the final pretrial conference.

10. The parties should stipulate, if possible, that the reading of depositions not be taken by the reporter.

11. Medical experts who routinely examine and treat patients in their practices and who have been deposed in a case will be presumed "unavailable" for in Court testimony under Fed. R. Civ. P. 32(a)(4) so that their deposition testimony may be offered into evidence at trial in that case by any party. This presumption applies even if their deposition testimony is being offered as firsthand observations rather than as expert opinion. This presumption is to avoid inconvenience and delay to jurors, health care providers, and patients caused by the scheduling of in-court testimony. If a party objects to this presumption and the admissibility of deposition testimony instead of in-court testimony, a written objection must be filed at least 30 days before the trial date. The objection shall contain a showing of good cause why the admission would be prejudicial. A party opposing such an objection can still attempt to demonstrate under Fed. R. Civ. P. 32 that the deposition testimony ought to be admitted.

J. Exhibits

1. All proposed exhibits should be marked with identification stickers, available in the Clerk's Office, before the start of trial. Plaintiff exhibits will be marked numerically, and Defendant exhibits will be marked alphabetically. Even though you may have an exhibit with a "deposition" identification sticker, it must be re-marked for trial.

2. Multi-page exhibits should be stapled, not paper clipped, and marked as one exhibit.

3. Counsel should move for the admission of stipulated exhibits at the beginning of trial. Other exhibits should be offered in evidence when they become admissible, rather than at the end of a witness's testimony or counsel's case.

4. Counsel shall prepare sufficient copies of documentary exhibits for each juror, 3 for the Court, 1 for the witness stand, and 1 for opposing counsel. If more than a few documents are involved, the Court strongly urges that exhibit notebooks with tabs be prepared. Oversized exhibits may be excluded. This practice might not be necessary when some exhibits are too bulky or if there are other reasons not to use individual copies. Details for providing exhibits will be discussed at the final pretrial conference.

5. Demonstrative exhibits should be shown to opposing counsel before trial. The parties must object to a demonstrative exhibit at the first opportunity. Only

unopposed demonstrative exhibits may be shown to the jury without leave of Court.

6. During trial, the Courtroom Deputy Clerk is the custodian of all exhibits admitted into evidence. Admitted exhibits are kept at the corner of the Deputy Clerk's table and are available for counsel's use. Each counsel is responsible for exhibits taken from the table or the witness stand. At the conclusion of a witness's testimony, counsel must retrieve any exhibits used and replace on the Deputy Clerk's table. All admitted exhibits must be in the Deputy Clerk's possession during each recess or adjournment of the Court.

7. Each counsel shall keep a list of admitted exhibits. Counsel and the Courtroom Deputy Clerk shall confer at the close of the evidence to ensure that only admitted exhibits are sent to the jury. Counsel shall substitute photographs for controlled substances, currency, firearms, and other dangerous materials.

8. If an exhibit must be marked for identification in open Court, counsel should state for the record what they are doing and briefly describe the nature of the exhibit. Counsel should not expect the Court to provide exhibit labels, which are available in the Clerk's Office before the start of trial.

9. Ordinarily, exhibits admitted into evidence may be displayed to the jury at the time of admission or in conjunction with other exhibits at the conclusion of the witness's examination by the "offering" counsel, but permission of the Court should be sought before doing so.

10. When counsel or witnesses refer to an exhibit, mention should also be made of the exhibit number so that the record will be clear.

11. When maps, diagrams, pictures, or similar materials are used as exhibits, and locations or features on such documents are being pointed out by witnesses or counsel, those locations should be appropriately marked on the documents if they are not clear from the exhibits themselves. Unnecessary markings should be avoided. Counsel may use exhibits with overlays or moveable parts. Markings on exhibits should be made only after conferring with opposing counsel and receiving the Court's permission. Counsel should describe the markings for the record.

12. When counsel expect to offer answers to interrogatories or requests for admissions extracted from separate documents, prepare copies of the individual materials so that the Court and jury do not wait for counsel to locate the items.

The copies should only be the particular interrogatory or request to admit with the caption and signature page. These materials should ordinarily be the subject of stipulations.

13. If a document is not in the exhibit binders but may be admitted into evidence, have an appropriate number of copies on three-hole punched paper, so that if admitted, the exhibits may be distributed to the Court, opposing counsel, and the Courtroom Deputy for inclusion in binders.

14. Each page of each exhibit should be paginated.

15. If deposition exhibits will be referred to at trial, either during impeachment or from reading a transcript or showing a video, and their numbering is not consistent with the numbering system used at trial, the parties should create a stipulation containing a cross-reference to trial exhibit numbers and any deposition exhibits.

16. If oversized exhibits are to be used, counsel must make arrangements with the Courtroom Deputy Clerk at least two weeks before trial.

17. Be sure there is a proper line of sight for the jury, Court, witness, and counsel when using easels, oversized exhibits, and models.

18. Demonstrative exhibits are not sent to the jury room for deliberations unless the parties agree otherwise.

19. After a trial concludes, the Clerk's Office retains exhibits for a period of time. If you intend to move for the return of original exhibits, you must (1) provide a copy for the Clerk, or (2) obtain leave of court to admit substitute photocopies at the outset of trial.

20. The Clerk will return to counsel all exhibits admitted into evidence during trial that exceed the Court's storage capacity as well as all demonstrative exhibits. Counsel receiving the returned exhibits will sign a Permanent Release of Exhibits that will be filed by the Clerk. The returned exhibits must be retained by the attorney producing them and shall remain subject to the orders of this Court. Upon request, counsel shall make either the original items or copies thereof available to opposing counsel for the designation or preparation of a record upon appeal. It is the responsibility of counsel to transport any needed exhibits to the Court of Appeals when appropriate. It is the

responsibility of counsel to maintain the integrity of all returned exhibits, which must not be altered, modified, or destroyed.

K. Jury Instructions and Verdict Forms

1. The Court will prepare all standard opening and closing instructions, and other general jury instructions. The parties are not responsible for submitting any of these standard instructions.

2. Plaintiff's counsel shall prepare and serve on opposing counsel a copy of proposed jury instructions that deal with the substantive issues of the case, as well as verdict forms, not later than 5 weeks before trial. Counsel for the parties shall then confer in person and, to the extent possible, agree upon the instructions that deal with the substantive issues of the case as well as appropriate verdict forms.

3. When formulating the proposed jury instructions that deal with the substantive issues of the case, the parties shall consult and utilize the Seventh Circuit Pattern Jury Instructions, and to a lesser extent, the pattern jury instructions from other circuits, and the Indiana Pattern Jury Instructions. Points and authorities in support of any proposed jury instruction shall be included with the jury instructions proposed to the Court.

4. After their in-person conference, and not later than 4 weeks before trial, counsel for the parties shall file three things. First, Plaintiff's counsel shall file the agreed substantive jury instructions and verdict forms. Second, Plaintiff's counsel shall file Plaintiff's proposed verdict forms and jury instructions to which agreement could not be secured, with points and authorities in support thereof and Defendant's objections thereto. Third, Defendant's counsel shall file Defendant's proposed verdict forms and jury instructions to which agreement could not be secured, with points and authorities in support thereof and Plaintiff's objections thereto.

5. In addition to the filed copy, counsel are required to e-mail a copy of the proposed substantive jury instructions and verdict forms, which includes both those instructions and verdict forms where agreement was reached as well as those where agreement was not reached, in Microsoft Word format to Judge Brisco's Chambers mailbox as found on the Court's Website.

6. The Court will hold an instructions conference during trial, generally near the conclusion of the evidence and at a time that will not inconvenience the jury.

7. Final instructions will be given in advance of closing arguments, so counsel are encouraged to incorporate the instructions into their closing arguments.

8. The preliminary and final instructions are displayed via Power Point on the Court's visual equipment so that the jurors and counsel may follow along while the Court reads the instructions. Each juror is also given a copy of the final instructions.

L. Experts

After establishing qualifications, counsel shall request that the Court designate the witness as an "expert." *See United States v. Jett*, 908 F.3d 252, 260 n.1, 266 (7th Cir. 2018).

M. Jurors

1. Do not exhibit familiarity with witnesses, jurors, or opposing counsel.

2. No person in the courtroom should ever exhibit, by facial expression, bodily movement, or other conduct, any opinion—e.g., surprise, happiness, disbelief, or displeasure—about any testimony, argument, or ruling. Counsel should admonish their clients and witnesses to avoid such behavior. Visitors who cannot abide by this requirement will be asked to leave the courtroom.

3. Jurors are permitted to take notes in notebooks that will accompany them during their deliberations. Notes will be collected and destroyed at the end of the trial.

N. Logistics and Housekeeping

1. Do not ask the Court Reporter to mark testimony. All requests for re-reading of questions or answers should be addressed to the Court.

2. After trial has begun, documents should be filed electronically or given to the Courtroom Deputy—not the Clerk's office—for filing.

3. The trial day generally begins at 9:00 a.m. and continues until about 5:00 p.m. with appropriate recesses, as needed. Times to recess and adjourn may vary slightly to permit the conclusion of a witness's testimony, to allow counsel to finish with direct or cross-examination, or to allow the Court to attend to other business. The Court prefers not to hold witnesses over for testimony on the following day. At the conclusion of each trial day, counsel should be prepared to discuss the witness schedule for the following day.

4. The Court makes every effort to commence proceedings at the time set. Counsel should be in the courtroom at least 15 minutes prior to the start of each day's proceedings and 30 minutes prior to the start on the first day of trial.

5. Promptness is expected from counsel and witnesses. Counsel should ensure that their witnesses have proper identification to enter the courthouse. Inform the Courtroom Deputy Clerk of any anticipated scheduling problems. Never be late.

6. If a witness was on the stand at a recess or adjournment, that witness should be on the stand ready to proceed when Court is resumed.

7. If the conclusion of a witness's testimony is followed by a recess or adjournment, the next witness should be ready to take the stand when trial resumes.

8. If a witness's testimony is expected to be brief, have the next witness immediately available.

9. Do not run out of witnesses.

10. The Court attempts to cooperate with the schedules of non-party witnesses and will consider permitting them to testify out of sequence. Discuss that possibility with opposing counsel and advise the Courtroom Deputy Clerk, including whether there is an objection.

11. If both parties expect to call the same witness, the Court will usually require all questioning of the witness when called in the Plaintiff's case. If a party believes non-leading questions should be asked of the witness, leave can be requested under Federal Rule of Evidence 611.

O. Facilities

1. Certain audio-visual equipment may be available to Counsel for use in the courtroom during trial. Counsel must coordinate with the Courtroom Deputy Clerk at the final pretrial conference.

2. Chambers supplies, including the copier, are not available to counsel. Counsel should not enter chambers or the jury room unless asked by Court staff.

3. Cell phones may be used outside the courtroom but must be turned off in the courtroom, absent prior approval from the Court.

4. Unless otherwise directed, tables in the well area are not assigned by party in civil cases. The first party to arrive on the first morning of the trial has first choice. Parties are, of course, permitted to agree between themselves.

5. On trial days, the courtroom will be opened 30 minutes before the scheduled start time but can be opened earlier if coordinated in advance with the Courtroom Deputy Clerk.

6. The courtroom will be locked during a part of the noon recess.

7. The courtroom will be locked overnight.

P. Transcripts

1. Daily transcripts, realtime, and/or rough drafts of testimony must be arranged, at least two weeks before trial, directly with the Court Reporter.

2. Transcripts of Court proceedings must be arranged with the Court Reporter, preferably before the start of the proceeding.

3. Before trial, counsel shall provide the Court Reporter with a list of words, terms, technical terminology, proper names, acronyms, and case citations that would not be found in a typical spell check.

APPENDIX A: FILING EXHIBITS AND PROPER CITATIONS

Step 1—Filing Exhibits

- Motions and exhibits must be filed before supporting briefs so that the brief's citations refer to the motions' and exhibits' docket entry numbers. Exhibits may be attached to the motion, as shown below, or filed separately. If filed separately, the motion must be filed before the exhibits and must be accompanied by an appendix.

- *If filing an opening brief*: First, file the motion, attaching any exhibits that will be cited in the supporting brief:

03/01/2021	38	MOTION *for Summary Judgment*, filed by Plaintiff ROBERT SMITH. (Attachments: # 1 Exhibit 1 Johnson Aff., # 2 Exhibit 2 Johnson Dep. Excerpts) (Jones, John) (Entered: 03/01/2021)

- *If filing a response, reply, or surreply with exhibits*: First, file an appendix or index of exhibits, attaching any exhibits that will be cited in the supporting brief:

03/30/2021	42	Appendix of Exhibits in Support of RESPONSE in Opposition re 38 MOTION for Summary Judgment, filed by Defendant ABC, INC. (Attachments: # 1 Ex. A: Smith Dep. Transcript, # 2 Ex. B: Smith Dep. Exhibits 1-5, # 3 Ex. C: Smith Employment Agreement, # 4 Ex. D: Jackson Decl. with Exhibits 1–3 (Smith, Susan) (Entered: 03/30/2021)

- When electronically filing exhibits, number the exhibits and add a descriptive identifier. *E.g.*, "Ex. 1—Smith Dep." or "Ex. 3—Smith Employment Agreement" instead of just "Exhibit 1" or "Exhibit 3."

Example:

Attachment Description

Attachment	Description	Pages	Size
1	Exhibit A: Smith Dep. Transcript	52 pages	4.1 mb
2	Exhibit B: Smith Dep. Exhibits 1-5	32 pages	3.8 mb
3	Exhibit C: Smith Employment Agreement	15 pages	1.3 mb
4	Exhibit D: Jackson Decl. with Exhibits 1-3	20 pages	1.7 mb

- If a party relies on a deposition excerpt, the cited pages—and at least the three pages immediately preceding and following—must be included as an exhibit.

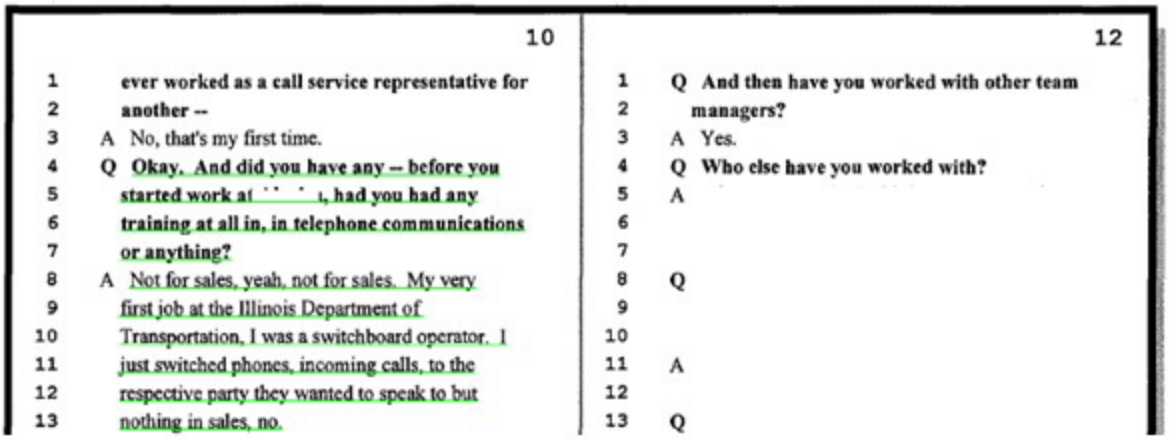
Step 2—Citing Exhibits

- Briefs must cite the docket entry number, the attachment number (if any), and the .pdf page number as it appears in the header at the top of the previously filed exhibit. For example:

Mr. Smith signed an employment agreement with ABC Corporation on May 1, 2012. (ECF 42-8 at 5.)

That citation would refer to page five of attachment eight to the item filed as docket number 42.

- When citing deposition transcripts, cite the specific page and line numbers of the deposition in addition to the docket entry number and page number citation format set forth above. For example:



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ever worked as a call service representative for another --

A No, that's my first time.

Q Okay. And did you have any -- before you started work at [redacted], had you had any training at all in, in telephone communications or anything?

A Not for sales, yeah, not for sales. My very first job at the Illinois Department of Transportation, I was a switchboard operator. I just switched phones, incoming calls, to the respective party they wanted to speak to but nothing in sales, no.

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Q And then have you worked with other team managers?

A Yes.

Q Who else have you worked with?

A

Q

A

Q

The proper cite is: (Johnson Dep. Tr. 10:4–13, ECF 38-2 at 3).