

DISTRICT COURT, ARAPAHOE COUNTY, COLORADO 7325 South Potomac Street Centennial, Colorado 80112	EFILED Document CO Arapahoe County District Court 18th JD Filing Date: Nov 20 2009 9:57AM MST Filing ID: 28148827 Review Clerk: N/A
<hr/> Plaintiff(s): STATE OF CO EX REL JOHN W SUTHERS et al	
v.	
Defendant(s): COLORADO HUMANE SOCIETY SPCA INC et al	<hr/> ▲ COURT USE ONLY ▲
	Case Number: 2008CV2659 Div.: 404
ORDER RE: CASES SET FOR TRIAL	

The party setting this matter for trial is hereby ORDERED to provide a copy of this Order to any Pro Se parties of record within five (5) days from the receipt of this Order and to provide to the Court a certificate of that service within ten (10) days.

Parties shall comply with the Colorado Rule of Civil Procedure including Rules 16 or 16.1 as applicable, C.R.C.P. 26 and 121, unless otherwise ordered by the Court.

1. **Trial Call/Trial Status Conference.**

A. For all jury trials scheduled on a Monday (or a Tuesday following a Monday holiday), a mandatory Court appearance for trial counsel and all Pro Se parties is scheduled for 11:00 a.m. approximately 10 days before the first day of trial. This will be a Pre-Trial Readiness Conference/Pre-Trial Status Conference.

B. On the Friday morning before the first day of trial, counsel for those trials remaining on the docket for the following week shall advise the Court by telephone as to whether their case remains ready to proceed to trial

2. **Parties shall certify in the TMO filed pursuant to C.R.C.P. 16, that they have complied with this Court's ADR order.**

3. **Trial Briefs.**

Trial briefs shall be filed 10 days prior to trial and not exceed 10 pages in length, exclusive of tables and appendices; and shall be completed in compliance with C.R.C.P. 10. No surreplies or supplemental responses shall be filed except to cite new, previously unpublished authority.

4. All Pre-Trial Motions including - **Motions in Limine** shall be filed 35 days prior to Trial.

5. **Trial Protocol.**

A. Jury Instructions. File in compliance with C.R.C.P. 16(g).

B. A stipulated, plain English statement of the case for use in jury selection shall be filed with the Court no later than the morning of trial.

C. Witnesses. On the morning of trial, four copies of a typewritten, alphabetized list of the correctly spelled names of all witnesses and any unusual or technical words they will be using during their testimony shall be provided to the Court. Each party shall also provide a written schedule of when each witness is expected to be called during the trial.

D. Exhibit Lists. On the morning of trial, you must file an index of all exhibits you expect to offer at trial.

- E. Exhibits shall be labeled prior to trial, Plaintiff(s) using numbers and Defendant(s) using letters. If defense has more than 52 exhibits, defendants may use numbers so long as a break in numbering exists. i.e. Plaintiff 1-300, Defense 400-. Multiple parties shall pre-allocate designation among themselves to avoid duplication. The original trial exhibits by each party shall be used by the witness and a copy of the exhibits by each party shall be provided to the Court at the beginning of trial.
- F. Exhibit Notebooks. Trial exhibits from each party shall be placed into notebooks, one notebook for the witness and one for the Court, unless the exhibit is incapable of being placed into a notebook. All exhibits shall be tabbed with appropriate numbers or letters. Any exhibit which consists of multiple pages shall have each page numbered, with the exhibit number or letter and page number included on every page. Counsel shall prepare notebooks for jurors containing stipulated exhibits, and have copies for insertion of all exhibits being offered.
- G. Objections to exhibits, expert witnesses and designated testimony shall be provided pursuant to the Trial Management Order. Unless admissibility of exhibits is stipulated by the parties, the exhibits may not be used during Voir Dire or opening statements.
- H. Expert Witnesses. In trials to the Court, a written Curriculum Vitae (marked as an exhibit) will usually be sufficient foundation for qualification as an expert.
- I. Deposition Testimony. Disputes as to the admissibility of portions of depositions or deposition videotapes shall be resolved prior to the beginning of trial.
- J. Judicial Notice. Each party shall provide a typewritten list of any facts of which a party is requesting that the Court take judicial notice.
- K. At trial, all parties, prospective jurors and witnesses shall be addressed as “Mr.”, “Mrs.”, “Ms.”, “Dr.”, etc., unless permission of the Court is granted for more informal references.**
- L. Large exhibits. Exhibits larger than 10 x 14 will not be retained by the Court after trial is completed. Copies of photographs of such exhibits are to be prepared prior to trial to be substituted for such exhibits at the end of the trial.**
- 6. **Sanctions. Failure to comply with any Rule of Civil Procedure, including C.R.C.P. 16 and 26, or any provision of this Order, may result in loss of trial date, striking of witnesses or exhibits or other appropriate sanctions.**

BY THE COURT:



Charles M. Pratt
District Court Judge

Date: November 20, 2009

E-filed to counsel of record