

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CASE NUMBER:

HON. MARIANNE O. BATTANI

Plaintiff(s),

v.

Defendant(s).

JOINT TRIAL BRIEF ORDER

IT IS ORDERED that trial counsel shall submit a **joint trial brief** directly to Judge Marianne O. Battani's chambers one week before the scheduled trial date or commencement of the trial term.

IT IS FURTHER ORDERED that the joint trial brief shall be compiled in a three-ring binder and include the following information in appropriately identified sections:

1. Administrative Section
 - a. Identification of parties and representatives,
 - b. Appearances of trial attorneys,
 - c. The estimated length of the trial in half-day blocks,
 - d. A brief description of any miscellaneous matters which the court should be made aware of, *ex. Special accommodations for a handicapper or facilities for large exhibits.*
2. Theory of the Case
 - a. A concise joint statement of the case suitable to be read to the jury before *voir dire*,
 - b. A concise statement of Plaintiff's claims, including legal theories,
 - c. A concise statement of Defendant's claims, including legal theories.
3. *Voir Dire* (for jury trials)
 - a. A contiguous list of no more than thirty questions that the parties agree the Court should ask,
 - b. Questions to which there are objections, each on a separate page, and relevant law,
 - c. **Procedural note:** Jury selection will be discussed with counsel before the jury is brought into the courtroom. The Court does conduct the *voir dire*, and attorneys may request follow-up questions.

4. Witness List
 - c. Plaintiff's list of witnesses reasonably expected to be called,
 - i. Anticipated length of direct and cross examination of each witness (determined by consultation with opposing counsel).
 - ii. Identify experts.
 - d. Defendant's list of witnesses reasonably expected to be called,
 - i. Anticipated length of direct and cross examination (determined by consultation with opposing counsel).
 - ii. Identify experts.
5. Exhibits
 - a. Index of proposed exhibits, including summaries as provided for in Fed.R.Civ.P. 26(a)(3)(C),
 - i. Plaintiff's exhibits should be numbered consecutively P1 to P__.
 - ii. Defendant's exhibits should be numbered D1 to D__.
 - iii. In the event there are multiple defendants, use identifying letters, ex. DA1-DA__, DB1-DB__.
 - iv. Mark all documents in the lower right- hand corner.
 - b. The provisions of Fed.R.Civ.P. 26(a)(3)(c) will apply for failure to list an exhibit, except for rebuttal exhibits,
 - c. **Note:** Exhibits must be marked in advance of trial. Copies are to be placed in binders and supplied to the Court and Counsel on the first day of trial. The fact that a proposed exhibit is marked does not mandate its introduction. Exhibits do not have to be introduced at trial in chronological order.
6. Depositions
 - a. List of depositions to be read into evidence,
 - b. Objections to be ruled on by the Court, supporting law where reasonable.
7. Jury Instructions
 - a. An index of all instructions,
 - b. Copies of instructions to which there are no objections,
 - c. Plaintiff's proposed jury instructions to which Defendant objects and supporting law,
 - d. Defendant's proposed jury instructions to which Plaintiff objects and supporting law,
 - e. Jury Verdict Form or proposed forms with supporting law,
 - f. **Format note,**
 - i. Each instruction is to be on a separate, numbered page.
 - ii. In addition to the written instructions, counsel shall submit all jury instructions on a single **disc** compatible with Wordperfect 8.1.
8. Evidentiary Issues
 - a. Statements of anticipated legal issues and supporting law,
 - b. **Format note:** one issue per page.

9. Motions *in Limine*
 - a. An index of all motions *in limine* regularly filed (do not include the motion itself in the joint trial brief),
 - b. **Note:** ordinarily heard on the first day of trial.

10. Findings of Fact and Conclusions of Law (**bench trials only**)
 - a. Stipulated facts,
 - b. Plaintiff's proposed findings of fact, conclusions of law,
 - c. Defendant's proposed findings and conclusions of law.

NOTE: Any questions regarding this order are to be addressed promptly by calling Mary Peters or Colette Motowski at 1-734-741-2106. If another conference with the Court would be beneficial in the administration or settlement of the case, please call Mary Peters to schedule it.

Date

Marianne O. Battani

CERTIFICATE OF MAILING

I certify that a copy of this notice was sent by regular mail to _____ on this date

Date: January 31, 2002

Deputy Clerk (734) 741-2488