IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION
MONROE DIVISION

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Standing Order Governing Pretrial Procedure in Civil Cases Assigned to Judge Trimble and Magistrate Judge Kirk or Magistrate Judge Hayes Effective September 25, 2009

The Court establishes the following rules for civil actions assigned to Judge James T. Trimble, Jr. and/or referred to Magistrate Judge James Kirk or Magistrate Judge Karen Hayes for trial.

I. In the absence of a specific order of court to the contrary, the following deadlines apply:

A. Motions: All dispositive motions must be filed no later than ninety (90) days prior to the trial date; untimely motions shall be referred to the merits and will be resolved on the evidence presented at trial. If the trial date is continued, the burden lies with the moving party to timely obtain an order refixing the motion for hearing at the Court's next regular motion day. Daubert motions shall be filed at least sixty (60) days prior to trial unless leave of court is obtained based on a showing of good cause. Motions in limine shall be filed at least thirty (30) days prior to trial unless leave of court is obtained based on a showing of good cause.

B. Discovery: The court will not compel discovery sought later than one hundred twenty (120) days prior to trial nor consider motions to compel or for a protective order filed later than ninety (90) days prior to trial.

C. Physicians' Reports: Reports of physicians' examinations must be furnished to opposing counsel no later than sixty (60) days before trial; if this deadline is not met, the physician concerned will not be permitted to testify at trial over objection.

D. Other Expert Reports: The plaintiff shall furnish the names and written reports of the experts that he intends to call at trial to opposing counsel no later than one hundred twenty (120) days before trial and the defendant shall furnish the names and written reports of the experts that he expects to call no later than ninety (90) days before the trial; if the deadline is not met, the expert witness concerned will not be permitted to testify at trial as an expert over objection.

E. Surveillance Evidence:

1. A party must make a timely request for discovery of surveillance evidence. Timeliness means that this request must be made prior to the end of the discovery deadline. If no timely request is made, the evidence will not be excluded due to respondent's failure to comply with the following requirements.

2. A party need not respond to the discovery requests for surveillance evidence and need not indicate whether there exists any such evidence until five (5) days prior to trial. On or before the deadline, if the respondent intends to offer surveillance evidence at trial, then he shall turn over to requesting party all surveillance evidence depicting the same subject which is in respondent's possession or control. In that event, respondent shall also identify individual(s) who will be necessary to lay a proper foundation. Respondent's failure to comply with this section will result in the exclusion of the surveillance evidence, except for good cause shown.

3. The respondent has the right to depose or redepose the individual who may have been the subject of the surveillance prior to responding to the discovery request. This deposition shall be made upon reasonable notice to all parties, and shall be limited in scope to impeachment issues and updating any previous deposition.

4. If a timely request for discovery of surveillance evidence has been made as required by subsection (1) above, any party who intends to offer surveillance films or video tapes into evidence at trial shall meet with all other parties to edit the material and agree on the portions to be shown. If agreement cannot be reached, appropriate motions in limine shall be filed with the Clerk of Court and a copy delivered to the trial Judge's chambers no later than three (3) days before trial.

F. Pretrial Statements: Each party must file a pretrial statement no later than seven (7) days prior to the pretrial conference if a pretrial conference has been requested, otherwise the pretrial statements will be due thirty (30) days before trial. The statements are to be submitted independently by each party, and need not be signed jointly by counsel for other parties unless the parties desire to set forth any joint stipulations prior to trial.

G. Witness Lists: Each party must provide opposing counsel with a list of "may call" witnesses not later than 30 days before trial. A list of "will call" witnesses must be filed, and opposing counsel served with a copy, no later than ten (10) days before trial. A witness, other than a witness used exclusively for impeachment, not so listed will not be permitted to testify at trial over objection.

H. Exhibit Lists: Each party must file a list of exhibits with the Clerk of Court in Alexandria, Louisiana, and serve a copy on opposing counsel, no later than thirty (30) before trial; an exhibit not so listed will not be admitted into evidence at trial over objection; the Clerk will not accept exhibits before trial; exhibits will be accepted by the Clerk only when introduced in the normal course of trial. If copies of original documents are to be substituted for trial exhibits, the copies must be made available at the time the original is introduced as an exhibit.

I. Jury Charges/Verdict Form: When a trial is to be held before a jury, counsel for all parties shall confer and prepare proposed joint jury instructions. If counsel are unable to agree as to any specific jury instruction, a separate proposal for such instruction may be submitted. If a separate proposal is submitted, it shall be supported by a memorandum of authorities. The joint and separate proposed jury instructions and verdict form shall be filed with the Clerk of Court and a copy shall be provided to Judge Trimble at least seven (7) calendar days in advance of the date on which the jury trial is scheduled.

J. Exhibits in Jury Trials: In a civil case counsel will provide 10 copies of all exhibits that counsel wishes to display to the jury during presentation of their case so that the Court, the Clerk, and each juror will have a copy.

II Conferences:

A. Pretrial Conferences: Pretrial Conferences will not be routinely scheduled. If there are foreseeable evidentiary or other problems which would make a pretrial conference desirable, please contact Judge Trimble's chambers within sixty (60) days of the assigned trial date. If no pretrial conference is requested, the pretrial statements referred to in this Standing Order will be due no later than thirty (30) days prior to trial. You may call the judge's chambers at any time to determine your place on the docket. It is suggested that you do so at least the

Thursday prior to the scheduled trial date by which time a docket should be ascertained.

B. Settlement Conferences: In Judge Trimble's cases, if a settlement conference would be helpful, please contact the appropriate judge or magistrate judge as listed below:
Judge James T. Trimble, Jr., 515 Murray, Suite 211, Alexandria, LA 71301; 318-473-7375
Magistrate Judge James Kirk, 515 Murray, Suite 331, Alexandria, LA 71301; 318-473-7510
Magistrate Judge Karen Hayes, 201 Jackson, Suite 307, Monroe, LA 71201; 318-388-6036

III. Continuances:

A. Trial Date: The continuance of the trial date automatically relieves the parties from the effect of the deadlines set forth in Rule I. That is, the date on which the case was set for trial before the continuance will no longer serve as the reference date for applying the deadlines. When the continued case is again set for trial, the Rule I deadlines will be figured from the new trial date. Note that duplicates of papers submitted previously in compliance with Rule I subparagraphs (A) through (I) for a (subsequently continued) trial date need not be resubmitted for the new trial date unless the party wishes to supplement or amend those papers. Yet, any such supplements or amendments must be submitted in accordance with the deadlines applicable for the new trial date under Rule I.

B. Pretrial Conference: The continuance of the trial date automatically upsets the pretrial conference date, if one has been set. Such requested pretrial conference will be rescheduled at the time the trial of the matter is rescheduled at the request of counsel.

IV Filing Instructions:

All materials submitted for filing in the record should be sent to any of the Clerk of Court's five locations within the Western District of Louisiana, unless expedited consideration is necessary. Where expedited consideration is required, the original motion or other paper should be sent directly to Chambers. In most instances, documents should be filed electronically if possible. A courtesy copy of all motions, supporting memoranda, pretrial statements, proposed jury instructions, trial memoranda, and proposed findings and conclusions should be sent directly to Chambers within the time limits for filing of the original paper.

V. The deadlines set forth in this Standing Order will be extended only on good cause shown and exceptions will be granted only in the interest of justice.

VI. The Clerk of Court shall attach a copy of this Standing Order to the Scheduling Conference Order sent to counsel or *pro se* litigants in each case.

VII. Procedure in Selecting Juries:

Eight (8) jurors will be selected from the venire to serve. The judge will conduct the initial voir dire after which he will accept suggested questions from counsel via a bench conference. Counsel will be allowed ten (10) minutes per side (may be modified in complex cases) to personally conduct voir dire. Challenges for cause will be made at a bench conference. A venire of fourteen (14) will be submitted for peremptory challenges after challenges for cause. Challenges will be exercised out of the presence of jury during a recess. The first eight (8) prospective jurors whose names are called and are not challenged will constitute the jury.

VIII. Exhibits

Exhibits must carry the same unique exhibit number throughout the litigation, including motion

practice, depositions and trial. Thus, an exhibit used a trial should carry the same exhibit number assigned to it when it was, for example, attached to a motion for summary judgment. Exhibit numbers need not be sequential, but must be unique and consistent and may not bear a party or witness designation.

Monroe Trial Exhibits

Exhibits, whether in paper or video format, will be displayed to the jury on the electronic monitors in the courtroom. If the exhibits total 25 or more sheets of paper, the exhibits must be placed on CD-ROM. If possible, the parties shall submit their exhibits jointly on one CD-ROM. The exhibit CD-ROM shall be submitted to the courtroom deputy at least ten (10) calendar days before trial. Contact Debbie Dickerson at (318) 322-6470 for special requirements regarding the CD-ROM. An original set of paper exhibits must still be brought to court on the morning of trial.

Alexandria Trial Exhibits

Exhibits, whether in paper or video format, will be displayed to the jury on the electronic monitors in the courtroom. All parties shall submit a list of all exhibits to be used at trial to the courtroom deputy one (1) week prior to trial. If the parties wish to use exhibits on CD-ROM, such CD-ROM shall be submitted to the courtroom deputy at least one (1) week prior to trial. For further instructions and guidelines concerning electronic exhibits, the parties may refer to www.lawd.uscourts.gov. The parties may also contact Marcia Leleux at (318) 473-7417 for further instructions.

IX. Court Reporter

A court reporter will be provided for all bench and jury trials, as well as for hearings and other such proceedings as the court may require. Counsel for all parties should provide a glossary of the names of all attorneys, parties and witnesses and uncommon terms to the court reporter at least one (1) week prior to trial.

X. The provisions of this Standing Order shall supersede all standing orders previously issued by the undersigned.

THUS DONE AND SIGNED in Chambers at Alexandria, Louisiana, this 25th day of September, 2009.

JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT COURT