



**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
DIVISION**

:

CIVIL ACTION NO.

VERSUS

:

:

**Addendum to Electronic Scheduling Order
for Jury Trial**

District Judge James D. Cain, Jr. and Magistrate Judge Thomas P. LeBlanc welcome you to the Lake Charles Division of the Western District of Louisiana. If you have any questions about the rules or deadlines fixed by this order or otherwise wish to contact chambers, you may reach Judge Cain's chambers at 337-493-2200 and Magistrate Judge LeBlanc's chambers at 337-437-3874. You may reach either chambers by email through the addresses provided on the chambers pages at www.lawd.uscourts.gov. The mailing address for this division is 611 Broad Street, Lake Charles, LA, 70601. You are to proceed as indicated in this Scheduling Order according to the deadlines set forth herein and in the Electronic Scheduling Order to which this is linked unless and until you are ordered to do otherwise.

See Judge Cain's Standing Orders on his page at www.lawd.uscourts.gov. Regarding a Motion for Extension of a Deadline, the Order states as follows:

IT IS HEREBY ORDERED that effective immediately, a motion for extension of a deadline in any matter pending before the undersigned shall be filed at least two (2) business days prior to the deadline. The moving party shall provide the undersigned the specific reasons justifying the extension, even if the motion is unopposed. No request for extension filed in violation of this order will be granted absent a showing of exigent circumstances.

I. This order supersedes any and all prior scheduling orders in this case.

This order is issued in conjunction with and as an Addendum to the Scheduling Order to which it is attached and is intended to provide further clarification of the deadlines set forth therein.

II. Schedule and Deadlines:

Your trial is set for . Your pretrial conference is set before the District Judge in chambers on . A Magistrate Judge Status Conference is set for by telephone. Counsel is to call into the Chambers Teleconference Line at 877-336-1274, Access Code 7066014, for purposes of participating in the status conference. Other deadlines are identified on the Scheduling Order to which this is attached. When considering those dates, please keep in mind the following:

- A. **Expert Reports:** Plaintiff shall furnish to defendant the names and written reports of any physician (other than a treating physician) or other expert witness plaintiff intends to call on or before (90 days before trial). Defendant shall furnish to plaintiff the names and written reports of any physician or other expert witness defendant intends to call no later than (75 days before trial). **No supplemental reports or additional expert witnesses will be permitted outside of these deadlines without leave of court upon a showing of good cause.**

Disclosure requirements for treating physicians are governed by Federal Rule of Civil Procedure 26(a)(2)(C) and shall be provided by the parties' expert report deadlines.

- B. **Motions:**
- a. Motions to amend the pleadings must be filed no later than (90 days before trial).
 - b. All dispositive motions must be filed no later than (60 days before trial).
 - c. Motions to compel discovery, *Daubert* motions and motions *in limine* shall be filed no later than (30 days before trial).

Parties may seek leave of court to file these motions untimely, and the request may be granted upon a showing of good cause. Oral argument on motions is not automatic. Parties may ask the court to entertain oral argument and the court may set oral argument on motion or *sua sponte* at its discretion.

- C. **Discovery:** Although the court sets no specific deadline for completion of discovery, the parties will note that Motions to Compel must be filed no later than (30 days before trial) absent leave of court. The court will not grant a Motion to Compel discovery that is not due at the time the motion is filed or that is not in a proper procedural posture to be filed; accordingly, parties must seek written discovery allowing adequate time for response and consultation with counsel for alleged inadequate responses. The court will not consider motions for protective orders filed later than (28 days before trial).
- D. **Pretrial Statements:** Each party's pretrial statement is due not later than (28 days before trial). Please use Judge Cain's "Pretrial Statement" form found on the court's website at www.lawd.uscourts.gov. Pretrial Statements are to include Exhibit Lists as set forth in subparagraph F. below.

E. **Witness Lists:** Each party’s pretrial statement shall identify all “will call” witnesses. Witnesses identified as may call will not be allowed to testify. The identity of these witnesses must have been disclosed to the other side during discovery or in a party’s Rule 26 disclosure. The Court will not permit a party to call witnesses first disclosed in the pretrial statement. *Impeachment and rebuttal witnesses need not be identified on the witness list.*

F. **Exhibit Lists:** Each party’s pretrial statement shall include a list of exhibits and copies of those exhibits are to be produced to opposing counsel if they have not already been produced. Exhibits not listed will be excluded from trial absent good cause shown and lack of prejudice to opposing parties. Except for demonstrative exhibits, all exhibits listed should have already been disclosed during discovery or in the parties’ Rule 26 disclosures.

On or before (7 days before trial) the parties are to provide to the Clerk of Court, in digital format, all exhibits they intend to introduce at trial. Each exhibit is to be named separately and the name shall include the designated exhibit number and a brief explanation of the nature of the exhibit (for example, “P1.OriginalLease”). The PDF so named shall be marked on its face with the appropriate exhibit number and be ready for docketing. Please refer to specific instructions under the Trial tab on Judge Cain’s chambers page, located at www.lawd.uscourts.gov.

G. **Use of depositions:** If deposition testimony will be used in lieu of live testimony in accordance with the Federal Rules of Civil Procedure or by agreement, the court is to be notified **28 days before trial** unless good cause is shown. If the deposition is to be read into the record at trial, the court will rule on objections contemporaneously at trial.

If a video is to be played, each side shall make its designations and provide them to the other side **28 days** prior to trial. Objections and counter-designations shall be submitted to the court **21 days** before trial. Responses are then due **14 days** before trial. Please submit the page(s) and lines of the question and answer along with the basis of the objection. The court will rule on the objections, and the party offering the deposition shall have the video edited in accordance with the court’s rulings so the video trial deposition can be played at trial without interruption. Failure to do so will result in the video not being allowed.

H. **Jury Charges/Verdict Form:** On or before (14 days before trial) counsel shall file in CM/ECF, as well as forward to chambers, proposed jury instructions and a proposed verdict form. Proposed instruction shall be supported by a memorandum of supporting authorities and filed into the record. Use the most recent 5th Circuit pattern jury charges.

I. **Real-time glossary:** On or before (7 days before trial), each party should deliver a real-time glossary to the court reporter to create a job dictionary specific to this

case. The glossary should contain all proper names, nicknames, acronyms, technical terms, and cited case law which may be mentioned in this case. In addition to the glossary, you may attach documents which may be helpful in this respect, such as witness lists, expert reports and curricula vitae. Please see an example of a real-time glossary and suggested attachments on our website at www.lawd.uscourts.gov or contact the court reporter for specific requirements. This glossary is not to be filed and need not be disclosed to opposing counsel. Real-time is available to the parties and arrangements must be made with the judge's court reporter at least one week prior to trial.

- J. **Jury Questionnaires:** The court will make the jury questionnaires available to the parties at 1:00 pm on the Friday preceding trial. The jury questionnaires may be picked up from the Clerk's Office. Counsel are advised of the privileged nature of that information and that it shall not be copied or shared with anyone. Jury questionnaires MUST be returned to Tina Stewart after jury selection.

III. **Informal Dispute Resolution:**

The parties are encouraged to contact the court at any time in the process if the parties believe that court intervention would help resolve any dispute, including settlement of the entire proceeding. See Section VIII, "Communicating with the Court," for contact guidelines and information.

IV. **Pretrial Conference:**

Your pretrial conference is scheduled before the District Judge on the date designated on the Electronic Scheduling Order to which this is attached. **Lead Counsel is to be present in chambers for that conference.** Please be prepared to discuss procedural questions, evidentiary problems, and any other issues about which the court should be aware and that could assist chambers in preparing your case for trial.

V. **Continuances:**

- A. **Trial Date:** Continuing a trial date resets all deadlines established in Section II (above) unless an order stating otherwise is issued. New deadlines are calculated from the new trial date. Any material previously submitted in compliance with Section II does not need to be duplicated to comply with the new deadlines, unless there is a need to amend or supplement.
- B. **Status Conference and Pretrial Conference:** A trial continuance automatically upsets the Magistrate Judge Status Conference and the pretrial conference dates. These events will be reset by the court with the new trial date.

VI. **Filing Instructions:**

E-Filing is mandatory in the Western District of Louisiana. In an emergency, printed materials may be filed with the Clerk of Court's Office in any division of the Western District.

VII. Procedure in Selecting Juries:

Eight (8) jurors will be selected from the venire to serve. The judge will conduct the initial *voir dire*. Counsel will be allowed twenty (20) minutes per side (may be modified in complex cases) to conduct his or her own personal *voir dire*. Challenges for cause will be made at a bench conference. A venire of sixteen (16) will be submitted for peremptory challenges after challenges for cause. Peremptory 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. Communicating with the Court:

Notwithstanding mandatory e-filing here in the Western District of Louisiana, the parties are welcome to contact the Court by telephone, fax, regular or e-mail. All written communication must be copied to opposing counsel and any telephone conference must include all parties involved.

THUS DONE AND SIGNED in Chambers on the 7th day of June, 2024.

A handwritten signature in black ink, appearing to read "James D. Cain, Jr.", written over a horizontal line.

JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE