



## **B. Required Attachments to the Joint Pretrial Order**

### **1. Exhibit List and Exhibits**

- a. Counsel for each party shall assemble all documents, photographs, or other materials expected to be used at trial. Plaintiff's exhibits shall be marked using yellow labels as "Plaintiff's Exhibit 1," et seq., and Defendant's exhibits shall be marked using blue labels in a similar manner. Such documents or copies shall be made available to opposing counsel on or before the date the joint pretrial order is due. This rule does not apply to rebuttal exhibits or those the use of which cannot be anticipated. The court encourages counsel to agree upon joint exhibits to avoid duplication.
- b. If joint exhibits are agreed upon, they shall each be identified as such and marked with the case name, case number, and exhibit number as "Joint Exhibit 1," et seq. If no agreement can be reached, the offering party shall mark his or her own exhibits with the party's name, case number, and exhibit number on each exhibit to be offered.
- c. The pages within each exhibit shall be consecutively paginated.
- d. Counsel requiring authentication of an exhibit shall notify offering counsel in writing within fourteen (14) days after the exhibit is produced or made available for examination. Failure to do so may be deemed by the Court to be an admission of authenticity.
- e. The Joint Pretrial Order shall be in formatted in accordance with the local rules.
- f. Counsel shall attach the list(s) of all exhibits to be offered to the joint pretrial order. One courtesy copy of the exhibits themselves shall also be delivered to the Court on the date of the Final Pretrial Conference. The copies of the exhibits shall be assembled in a three-ring binder with a numbered sticker on each document for use by the Court. Each notebook shall be labeled on the outside cover with the name of the offering party, the case style, and the case number. Accompanying the notebook shall be a summary chart, identifying the exhibit by number, brief description, and categories for objection by rule number, admitted or excluded.
- g. Counsel must attach the list(s) of all exhibits to be offered to the joint pretrial order. One courtesy copy of the exhibits themselves must also be delivered to the Court on the date of the Final Pretrial Conference. The copies of the exhibits must be assembled in a three-ring binder with a numbered sticker on each document for use by the Court. Each notebook must be labeled on the outside cover with the name of the offering party, the case style, and the case number. Accompanying the notebook must be a

summary chart, identifying the exhibit by number, brief description, and categories for objection by rule number, admitted or excluded.

- h. The court will admit all exhibits listed in the joint pretrial order into evidence at the final pretrial conference unless opposing counsel files written objections supported by authority by the date set forth in the scheduling order. The court will rule on objections to the exhibits at the final pretrial conference.

## **2. Witness Lists**

- a. Counsel shall attach to the joint pretrial order as an attachment copies of each party's witness list, listing the witnesses in the order in which they will be called and stating the estimated time for examination. Within one week after the filing of the joint pretrial order, any objections to the proposed witnesses shall be filed as directed in the scheduling order. Any objections to a witness's proposed testimony will be ruled upon at the final pretrial conference if not already determined.

## **3. Digital Submissions**

- a. In addition to submission of paper copies of the exhibit lists, witness lists and objections counsel shall submit an editable, digital version of said documents in Microsoft Word and a copy of the exhibits in PDF to the court via e-mail to [TXWDml\\_LawClerks\\_JudgeAlbright@txwd.uscourts.gov](mailto:TXWDml_LawClerks_JudgeAlbright@txwd.uscourts.gov).

## **4. Demonstrative Evidence**

- a. In the event parties intend to use demonstrative evidence during trial, counsel shall contact the law clerk assigned to the case in order to determine logistics and any logistical and safety concerns associated said exhibit.

# **C. Additional Attachments Required For Jury Trials**

## **1. Agreed Jury Charge**

- a. Two (2) versions of an agreed jury charge, including proposed jury instructions, definitions, and interrogatories, shall be attached to the joint pretrial order and filed.
- b. One version shall be marked "requested" and shall include citation of authority for each proposed instruction in the charge.
- c. The other version shall be marked "charge and interrogatories," and counsel shall omit from it all citations and authorities while adding a line for the jury foreperson's initials and date.



- d. In addition to the versions of the jury charge that shall be attached to the joint pretrial order and filed, counsel shall submit an editable, digital version of the jury charge in Microsoft Word to the court via e-mail to [TXWDml\\_LawClerks\\_JudgeAlbright@txwd.uscourts.gov](mailto:TXWDml_LawClerks_JudgeAlbright@txwd.uscourts.gov).
- e. The court expects the parties to resolve their differences concerning the jury charge. If the parties cannot agree on a particular instruction or issue, however, such disagreement and alternate requests shall be noted on the joint jury charge. The plaintiff's version of the disputed charge will be in **RED** text, while the Defendant's version will be in **BLUE** text. A dispute concerning the jury charge, if any, will be resolved at the final pretrial conference or at a charge conference.
- f. Within one week after the filing of the joint pretrial order, any objections to the proposed jury charge shall be filed as directed in the scheduling order.

## **2. Proposed Questions for Voir Dire Examination**

- a. A copy of each party's proposed questions for the judge to use in voir dire examination shall be attached to the joint pretrial order.

## **3. Memoranda of Law on Disputed Issues of Law**

- a. If the parties dispute any issues of law, each party shall attach to the joint pretrial order a memorandum addressing those issues.

## **4. Motions in Limine**

- a. A copy of each party's Motion in Limine shall be attached to the joint pretrial order. Any Motions in Limine will be addressed at the final pretrial conference or immediately before the start of trial.

## **D. Additional Documents Required For Non-Jury Trials**

1. Proposed findings of fact and conclusions of law shall be in a form suitable for ruling from the bench after closing arguments. Counsel shall separate agreed findings and conclusions from those that are in dispute. Conclusions of law shall cite supporting authority. Each party shall submit proposed final findings of fact and conclusions of law via email, in Microsoft Word format, to [TXWDml\\_LawClerks\\_JudgeAlbright@txwd.uscourts.gov](mailto:TXWDml_LawClerks_JudgeAlbright@txwd.uscourts.gov), at least three days before the final pretrial conference.
2. After the non-jury trial, counsel shall submit proposed final findings of fact and conclusions of law, with record citations supporting each finding of fact and conclusion of law, as applicable. Each party shall submit proposed final findings of fact and conclusions of law via email, in Microsoft Word format, to [TXWDml\\_LawClerks\\_JudgeAlbright@txwd.uscourts.gov](mailto:TXWDml_LawClerks_JudgeAlbright@txwd.uscourts.gov).

**IT IS SO ORDERED, SIGNED and ENTERED this 31st day of July 2020.**

  
ALAN D. ALBRIGHT  
UNITED STATES DISTRICT JUDGE