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EXHIBIT AND TRIAL MATERIAL INSTRUCTIONS

United States District Judge Steven P. Logan

THE PARTIES ARE RESPONSIBLE FOR THE MARKING AND LISTING OF EXHIBITS, NOT THE COURTROOM DEPUTY, AND DELIVERY OF EXHIBITS AND OTHER TRIAL MATERIALS AS FOLLOWS.

1. Delivery

As set forth by the Order Setting Final Pretrial Conference, trial exhibits and deposition transcripts shall be delivered to the Courtroom Deputy no later than **48 hours** prior to trial. The parties shall arrange a time with the Courtroom Deputy for the delivery of the trial materials. The Courtroom Deputy may be contacted as follows:

Courtroom Deputy: Molly Williams
Phone: (602) 322-7204
Email: Molly_Williams@azd.uscourts.gov

2. Exhibit Lists

As set forth in the Order Setting Final Pretrial Conference, exhibit lists shall be emailed to the Courtroom Deputy no later than **five (5) days** prior to trial. At the time of delivery of the exhibits, the parties shall provide the Courtroom Deputy with one (1) original and two (2) copies of the exhibit list(s). The parties shall not provide the Courtroom Deputy with a copy of the Final Pretrial Order in lieu of the exhibit list.

Exhibits may be listed on the exhibit list attached or in a Microsoft Word[®] document that mirrors the same format. Be sure to leave enough space to add additional information, such as subparts and additional exhibits. Each page shall be completed to the end or finished with blank blocks. Extra blank pages for the exhibit lists should also be provided. The exhibit number and description should start the top of each block. *Use brief descriptions.*

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1 **3. Witness Lists**

2 As set forth in the Order Setting Final Pretrial Conference, witness lists shall be
3 emailed to the Courtroom Deputy no later than **five (5) days** prior to trial. At the time of
4 delivery of the exhibits, the parties shall also provide the Courtroom Deputy with one (1)
5 original and two (2) copies of the witness list(s). The parties shall not provide the
6 Courtroom Deputy with a copy of the Final Pretrial Order in lieu of the witness list.

7 Witnesses may be listed on the witness list attached or in a Microsoft Word®
8 document that mirrors the same format. Provide the full name of each witness and list
9 them in alphabetical order. Names should be at the top of the block and extra spaces
10 provided at the end of the list. Extra blank pages for the witness lists should also be
11 provided.

12 **4. Numbering of Exhibits**

13 The parties shall number the exhibits. Court time will not be used for the marking
14 of exhibits and failure to comply with this directive will result in exhibits being remarked
15 by the parties. The parties shall consult with one another prior to marking exhibits to *avoid*
16 *marking duplicates* as set forth in the Order Setting Final Pretrial Conference. If Plaintiff
17 marks a document, Defendant should not mark the same document. The exhibits are
18 considered court exhibits, not Plaintiff or Defendant exhibits. Either side may move the
19 other's exhibits into evidence.

20 Blocks of numbers are assigned to each side: Plaintiff begins with number 1 through
21 the estimated number of exhibits. Defendant begins with numbers following Plaintiff's
22 block of numbers (e.g., Plaintiff 1 - 80; Defendant 100 - 150). The blocks of numbers
23 should allow space for additional exhibits marked during trial. Please contact the
24 Courtroom Deputy to arrange number block assignments.

25 The parties should only use numbers when identifying subparts of exhibits (e.g.,
26 subparts of Exh. No. 3: 3-1, 3-2, 3-3). Blocks of numbers may be used to categorize exhibits
27 (e.g., series 1 - 99 are bank records; series 100 - 199 are tax returns; series 200 - 299 are
28 photographs; etc.). Categorizing exhibits should be kept as simple and clear as possible. In

1 bulky documents, BATES stamp numbers may be placed on each page in the bottom right
2 corner and can be continuously numbered for easy reference.

3 **5. Use of Exhibit Cover Sheets and Labels**

4 The parties shall use the exhibit cover sheet attached to affix to each exhibit. The
5 parties shall print the exhibit cover sheets on colored paper; Plaintiff cover sheets should
6 be **Yellow**, and Defendant cover sheets should be **Blue**. The exhibit cover sheet shall be
7 stapled to the top of the original exhibit, and the exhibit shall be placed in a manila file
8 folder numbered to correspond with the exhibit number. Prepare extra cover sheets to use
9 for exhibits marked during trial.

10 If the paper exhibit is too large to staple, use a 2-hole fastener to fasten the exhibit
11 together at the top of the page, with an exhibit cover sheet attached to the front of the
12 exhibit. If the exhibit is a photograph or item smaller than 8" x 10", staple it to an exhibit
13 cover sheet or place an exhibit label on the reverse side, lower right-hand corner. Large or
14 bulky items may require the use of tie tags with the exhibit label placed on the tag or may
15 be marked in a logical location on the item or on the plastic bag containing the item. Large
16 diagrams, charts, drawings, and other demonstrative or visual evidence should be identified
17 in the lower right-hand corner with an exhibit label. If the item is an enlargement of another
18 marked exhibit, it should be numbered as a subpart of the smaller exhibit. If exhibit labels
19 are required, the parties shall request them from the Courtroom Deputy no less than *five*
20 (*5 days*) prior to trial. As with exhibit cover sheets, Plaintiff labels should be **Yellow**, and
21 Defendant labels should be **Blue**.

22 **6. Use of Folders and Boxes**

23 Place exhibits loosely in manila file folders so that the exhibits may be pulled out
24 of the folder during trial. *Do not* attach the exhibit to the manila file folder. Label the top
25 of the folder to identify the exhibit number. Provide extra folders to the Courtroom Deputy
26 for exhibits marked during trial. Place the exhibit folders in a box in numerical order.
27 Mark the outside of the box to indicate which exhibits are contained within it. Leave room
28 in the box for any extra exhibits that may be submitted during trial. *Do not place trial*

1 *exhibits in binders.*

2 **7. Stipulated Exhibits**

3 **THE PARTIES MAY AGREE TO THE ADMISSION OF EXHIBITS**
4 **BEFORE TRIAL. THE PARTIES SHALL INDICATE WHICH EXHIBITS THE**
5 **PARTIES STIPULATE TO BE MARKED AS ADMITTED INTO EVIDENCE BY**
6 **PLACING AN “X” IN THE COLUMN ENTITLED “STIPULATED’ NEXT TO**
7 **THE CORRESPONDING EXHIBIT ON THE EXHIBIT LIST ATTACHED.**

8 **8. Redacted Exhibits**

9 **ANY REDACTIONS TO THE EXHIBITS SHALL BE COMPLETED BY**
10 **THE PARTIES PRIOR TO TRIAL. IF DURING THE COURSE OF TRIAL**
11 **REDACTIONS ARE NECESSARY, IT IS THE RESPONSIBILITY OF THE**
12 **PARTIES TO IMMEDIATELY PROVIDE PROPERLY REDACTED VERSIONS**
13 **TO THE COURTROOM DEPUTY.**

14 **9. Impeachment Exhibits**

15 As set forth in the Order Setting Final Pretrial Conference, impeachment exhibits
16 shall be delivered to the Courtroom Deputy on the **first day of trial** *in a sealed envelope*.
17 Each envelope should be marked with: (1) the caption of the case; (2) case number; and (3)
18 the party presenting the exhibit. If there is more than one impeachment exhibit, each sealed
19 envelope should be marked with a separate alphabetical letter for easy retrieval (e.g., A, B,
20 C) and the Courtroom Deputy will assign it the next available trial exhibit number if used
21 at trial. The offering party shall be prepared to provide the Courtroom Deputy with a brief
22 identifying description of the exhibit when offered at trial.

23 The parties are cautioned that if an exhibit has value *in addition* to impeachment, it
24 is not an impeachment exhibit and must be marked, listed, and delivered in the manner
25 prescribed for non-impeachment exhibits.

26 **10. Depositions**

27 The party offering a deposition or a portion of a deposition shall provide a certified
28 copy of the transcript in accordance with the federal rules. As set forth in the Order Setting

1 Final Pretrial Conference, final portions of depositions to be used at trial shall be delivered
2 to the Courtroom Deputy no later than **48 hours** prior to trial. Depositions are *not* to be
3 marked as exhibits. Depositions shall be placed in alphabetical order at the time they are
4 delivered to the Courtroom Deputy.

5 **11. Sensitive Exhibits**

6 At trial, the Courtroom Deputy will not take custody of any sensitive exhibits.
7 During lengthy breaks and at close of the day, these exhibits are returned to the parties until
8 court resumes.

9 **12. Return of Exhibits**

10 All exhibits are returned to the respective parties for custody at the conclusion of
11 trial pending all appeals unless otherwise ordered by the Court. If a Notice of Return of
12 Exhibits is issued and the exhibits are not retrieved within thirty (30) days, the exhibits
13 may be subject to destruction or otherwise disposed of.

14 **13. Courtroom Technology**

15 The parties are encouraged to use the document camera or any other audio and video
16 equipment available in the courtroom for presentation of evidence during trial. Should the
17 parties have questions or wish to test courtroom equipment, they may contact the
18 Courtroom Deputy at (602) 322-7204, but must do so no later than **two (2) weeks** prior to
19 trial. Information regarding the use of courtroom technology can be found on the District
20 Court's website under "Electronic/Video Courtroom Equipment Information – Phoenix,"
21 located at <http://www.azd.uscourts.gov/judges/judges-orders>.

22 **14. Courtesy Copies for Judge**

23 **Exhibits:** A courtesy copy of trial exhibits should be provided to the Judge at the
24 time of the delivery of the trial exhibits. Exhibits should be placed in 3-ring binders with
25 numbered tabs to correspond with the exhibit numbers. The Judge's copies should *not* have
26 original exhibit covers sheets on them. The parties should also provide the Judge with a
27 CD-ROM disc or USB flashdrive containing an electronic copy of paper exhibits offered.

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Impeachment Exhibits: A courtesy copy of impeachment exhibits for the Judge should also be provided to the Courtroom Deputy. The courtesy copy of an impeachment exhibit should be provided in a sealed envelope and marked “courtesy copy” along with an alphabetical letter for easy retrieval (e.g., A, B, C).

Depositions: The Judge should be provided with a courtesy copy of any deposition to be used at trial. The offering party shall highlight, in color, the portions of the deposition to be offered. If multiple parties are offering the same deposition, only one (1) copy of such deposition shall be provided. Plaintiff shall highlight in **Yellow** the portions it wishes to offer, and Defendant shall highlight in **Blue** the portions it wishes to offer.