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dismissed; and (3) all counts, if any, the government intends to dismiss before trial.

b. **Forfeiture Allegations.** Identify any forfeiture allegation contained in the indictment (or superseding indictment), whether any forfeiture allegation in the indictment (or superseding indictment) has been dismissed, or whether the government intends to dismiss any forfeiture allegation in the indictment (or superseding indictment) before trial. Also identify, where applicable, the status of any pending related civil forfeiture proceeding, and whether the issue of forfeiture shall be determined by jury verdict or by the Court if a guilty verdict is returned by the jury.

c. **Notices.** Identify all Notices of the Government’s Intent to Use Evidence.

d. **Motions in Limine.** Identify all pending motions in limine.

e. **Other Motions.** Identify all pending motions (other than motions in limine).

f. **Stipulations.** Identify and describe any joint stipulation that may be read or otherwise presented to the jury and treated as having been proved at trial. For example:

“Stipulation of Fact: The drugs found in Defendant’s vehicle weighed approximately one pound.” Or:

“Stipulation of Evidence: Bundles of drugs will be introduced as evidence at trial. There have been no breaks in the chain of custody between when the drugs were seized by law enforcement in this case and the date of trial.” Or:

“Stipulation of Evidence: The parties waive any objections relating to the authenticity of the photos.

g. **Numbers of Witnesses and Exhibits.** Identify the approximate

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number of witnesses to be called and exhibits to be offered at trial.

h. **Estimated Length of Trial.** Propose the estimated amount of time to be allocated for each stage of trial as follows:

- ___ hours: Jury Selection
- ___ hours: Opening Statements¹
- ___ hours: Government’s Case (including rebuttal)
- ___ hours: Defendant’s Case
- ___ hours: Closing Arguments²
- ___ hours: Total

i. **Interpreter.** State whether there will be a need for an interpreter at trial.

j. **Procedures for Expediting Trial.** Discuss and report on all available procedures that might be used to expedite trial, including but not limited to: (1) using summary exhibits in place of voluminous documentary evidence; (2) stipulations on authenticity and foundation; (3) presenting direct expert testimony through summary or written reports; and (4) using the courtroom technology to expedite the presentation of evidence.

3. Notices Of Intent. All Notices of the Government’s Intent to Use Evidence must be filed and served at least **7 days** before the Final Pretrial Conference. Untimely notices are subject to being summarily denied or stricken by the Court.

4. Motions In Limine. All motions in limine must be filed at least **14 days** before the Final Pretrial Conference. Responses must be filed at least **7 days** before the Final Pretrial Conference. No replies are permitted. Each motion must include proposed language for the order being sought from the Court, and the proposed language must state

¹ If there is more than one Defendant, provide an estimate time for each one.

² If there is more than one Defendant, provide an estimate time for each one.

1 with precision the evidence that is subject to the proposed order and the limitation or
2 exclusion placed on the evidence. Additionally, each motion must contain a certification
3 that the movant's counsel met and conferred in good faith with opposing counsel and the
4 parties could not reach agreement. The motions and responses must be concise and must
5 not exceed three pages in length. Counsel shall be prepared to argue the merits of such
6 motions at the Final Pretrial Conference.

7 5. Case-Related Documents. The parties must, at least **7 days** before the Final
8 Pretrial Conference, file the following documents (and submit copies of these documents
9 in Word format to the chambers email address at Humetewa_chambers@azd.uscourts.gov,
10 as well as sending to chambers a paper courtesy copy of any document exceeding ten
11 pages):

- 12 a. **Stipulated Joint Statement Of The Case**. This will be read to the
13 jury. If the parties have any disagreement about the statement, the
14 party objecting shall state the reason for its objection below the
15 statement and offer an alternative statement.
- 16 b. **Joint Proposed Voir Dire**. To the extent a question is not already
17 included in the proposed juror screening questionnaire, this Court's
18 proposed set of voir dire questions can be found at
19 <http://www.azd.uscourts.gov/judges/judges-orders>. To the extent
20 possible, the parties should stipulate to the proposed questions. If the
21 parties have any disagreement about a particular question, they must
22 state the reason for their objection below the question. The parties
23 may file a joint list of supplemental questions not to exceed six (6)
24 questions per party. Each party shall also include the name(s) of any
25 third party not otherwise listed as a witness who may be mentioned at
26 trial or relevant to the case. Upon filing their proposed voir dire
27 questions, the parties shall submit by email a copy of the proposed
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voir direct questions in Word format to Humetewa_chambers@azd.uscourts.gov.

c. **Joint Proposed Verdict Forms.** These should include any proposed special verdict forms or juror interrogatories. Upon filing their proposed verdict forms, the parties shall submit by email a copy of the proposed voir direct questions in Word format to Humetewa_chambers@azd.uscourts.gov.

d. **Joint Proposed Jury Instructions.** The joint list must contain the following four sections:

- (1) A list—denoted only by section and title—of all applicable Ninth Circuit Model Civil Criminal Instructions, which are at <http://www3.ce9.uscourts.gov/jury-instructions/model-criminal>. If a model instruction is requested by both parties, the instruction shall be preceded by “ST” (stipulated-to). If the instruction is requested by only one party, the instruction shall be preceded by either “PL” (Plaintiff) or “DF” (Defendant).
- (2) The full text of any non-model instructions to which the parties have stipulated, with only one instruction per page.
- (3) The full text of any non-model instructions requested by Plaintiff (numbered consecutively), with only one instruction per page. Plaintiff shall include citation to authority to support the requested instruction. Defendant shall state all objections to such instruction immediately following the instruction and Plaintiff’s authority. Defendant shall support any objection with citation to authority. If Defendant offers an alternative instruction, such alternative instruction shall immediately follow Defendant’s objection.

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(4) The full text of any non-model instructions requested by Defendant (numbered consecutively), with only one instruction per page. Defendant shall include citation to authority to support the requested instruction. Plaintiff shall state all objections to such instruction immediately following the instruction and Defendant’s authority. Plaintiff shall support any objection with citation to authority. If Plaintiff offers an alternative instruction, such alternative instruction shall immediately follow Plaintiff’s objection.

Upon filing their proposed jury instructions, the parties shall submit by email a copy of the proposed jury instructions in Word format to Humetewa_chambers@azd.uscourts.gov.

6. Exhibits. The parties must meet in person to exchange marked copies of all exhibits to be used at trial (excluding impeachment evidence not subject to early disclosure) no later than **7 days** before the Final Pretrial Conference. During this meeting, the parties also must eliminate any duplicate exhibits.³ Stipulated exhibits shall be noted as “Stipulated” on the exhibit list of the offering party under the column entitled “Admitted into Evidence.” If all parties intend to refer to the exhibit at trial, the exhibit shall be included on the government’s exhibit list.

During trial, the parties must advise the Courtroom Deputy *in advance of each witness’s appearance* which exhibits will be needed for each witness. All exhibits must be shown to opposing counsel before being offered.

³ During the in-person meeting, the exhibits must be in the exact physical form that will be used at trial. In other words, if a party intends to offer a paper exhibit at trial, that party must have a marked paper copy at the in-person meeting, not an electronic copy. Also, the parties should mark their exhibits exactly as they intend to offer them at trial. During trial, exhibits will be admitted or rejected in their entirety. Thus, if any part of an exhibit is objectionable, it will be excluded in its entirety. Ordinarily, the parties will not be permitted to break offered exhibits into admissible sub-parts if an objection is sustained.

1 7. Witness List. The parties shall deliver one (1) original and two (2) copies of
2 the witness and exhibit lists, using the forms located on the Court’s website at
3 <http://www.azd.uscourts.gov/judges/judges-orders>, to the Courtroom Deputy **no later**
4 **than 48 hours prior to trial**.

5 8. Information for Court Reporter. To facilitate the creation of an accurate
6 record, please prepare a “Notice to Court Reporter” one week before the Final Pretrial
7 Conference containing the following information:

- 8 a. Proper names, including those of witnesses.
- 9 b. Acronyms.
- 10 c. Geographic locations.
- 11 d. Technical (including medical) terms, names, or jargon.
- 12 e. Case names and citations.
- 13 f. Pronunciation of unusual or difficult words or names.

14 This notice need not be filed but must be provided via e-mail to Hilda Lopez at
15 hilda_lopez@azd.uscourts.gov. Her contact number is 602-322-7256. Counsel also must
16 advise the court reporter as soon as possible, but no later than two weeks before trial, if
17 they would like to receive a real-time feed or daily turnaround transcript of the proceedings.

18 9. Courtroom Technology. Should the parties wish to conduct any testing of
19 courtroom technology and equipment or have related questions, they may contact AV
20 Support at av_support@azd.uscourts.gov or 602-322-7160, no later than one week prior to
21 trial. The parties can find further details on the Court’s website at
22 <http://www.azd.uscourts.gov/judges/judgesorders> at the Electronic/Video Courtroom
23 Equipment Information link.

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