

IN THE SECOND JUDICIAL DISTRICT COURT OF DAVIS COUNTY

FARMINGTON DEPARTMENT, STATE OF UTAH

<p>**</p> <p>Plaintiff,</p> <p>vs.</p> <p>**</p> <p>Defendant.</p>	<p>PRE-TRIAL ORDER (Civil)</p> <p>Case No.:</p> <p>Judge: David R Hamilton</p>
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In addition to any other applicable orders entered, and the applicable rules, this Pre-Trial Order governs those aspects of the trial of the above-entitled action expressly covered by this Pre-Trial Order. The parties and their counsel are requested and required to comply as follows:

1. **Motions in Limine and Other Motions.** All motions in limine, dispositive motions, and other motions shall be scheduled by counsel so as to be heard no later than the earliest of (a) the date(s) provided for in any other order or stipulation in this case, or any applicable rule, or (b) thirty (30) days before trial. The party filing the motion is responsible for filing it sufficiently in advance of trial to allow for response from the opposing party(ies) and any reply under the applicable rules, and to otherwise meet these requirements.
2. **Jury Instructions, Voir Dire Questions, and Special Verdict Forms (if applicable).**
  - a) The court's law clerk will email proposed preliminary jury instructions to the parties covering general preliminary issues. Any proposed changes to the

preliminary instructions are to be filed with the court, served on all parties, and emailed back to the law clerk no later than ten (10) days from the law clerk's emailing them.

- b) The parties are also to in good faith confer and, to the extent possible, agree upon a complete set of proposed supplemental jury instructions that cover all issues which are specific to this case, as well as upon any specific, proposed voir dire questions and any proposed special verdict form.
- c) Regardless whether the parties have then received the court's proposed preliminary jury instructions, counsel for the plaintiff(s), no later than thirty (30) days before trial, is to file with the court, serve on opposing counsel, and email to the court's law clerk, Lauren DeVoe, at [laurend@utcourts.gov](mailto:laurend@utcourts.gov), preferably in a Word, or alternatively in a Word Perfect, format, the parties' proposed stipulated supplemental jury instructions, any stipulated voir dire questions, and any stipulated special verdict form, respectively captioned as such. Any proposed supplemental jury instructions, any proposed voir dire questions, and any proposed special verdict forms not agreed to by all parties, also respectively and specifically identified as such, are also to be filed with the court, served on all counsel, and emailed to the court's law clerk, by the party proposing them, no later than thirty (30) days before trial.
- d) Each proposed supplemental jury instruction submitted, for which there is not a stipulation, is to conclude with a citation to the law relied upon in support of

the proposed instruction, along with a brief statement as to why the instruction should be given. Any written response another party desires to provide, which shall also include legal citations and a brief statement, is to be filed with the court, served on all parties, and emailed to the court's law clerk no later than fourteen (14) before trial.

**3. Trial Memoranda (bench trials only).**

- a) At least fourteen (14) days before trial all parties are to file and serve a succinct trial memorandum, providing a courtesy copy directly to the Judge at the Layton courthouse (425 N. Wasatch, Layton, Utah 84041).
- b) Trial memoranda are to simply and specifically set forth the submitting party's position, and that party's proposed resolution of each issue to be tried, together with a citation to and a brief statement of the law relied upon for such position and each such proposed resolution.

**4. Trial Schedule.**

- a) The parties and their counsel are to be in the courtroom ready to start the trial promptly at 8:30a.m. each day for jury trials, and 9:00a.m. for bench trials.
- b) Trial will resume promptly each day at 1:30 p.m. after the noon lunch break, concluding for the day at or near 5:00p.m.

- 5. Exhibit Binders.** Before trial, the individual document exhibits are to be pre-marked, each with a separate and attached numeric exhibit sticker or other applied number (beginning with a "P" for plaintiff, a "D" for defendant, or a "TP" for a third party), by each party submitting them, and inserted into respectively labeled (as plaintiffs, defendant's, or third party's exhibits) and tabbed (corresponding to the respective exhibit

numbers) three ring binders, with a table of contents. The original binder is for the witness stand. Duplicate binders are to be provided for the judge and each party. The parties are to confer, and between them, avoid duplication of exhibits in the parties' respective exhibit binders. The completed binders are to be exchanged between the parties no later than ten (10) days before trial (this later exchange of binders does not eliminate the requirement to provide exhibit copies at least 28 days before trial pursuant to Rule 26(a)(5), Utah Rules of Civil Procedure).

At the trial's commencement, a duplicate of just the table of contents to a party's exhibit binder is to be provided by that party to the clerk.

DATED this day of\*\*, 20\*\*.

BY THE COURT:

David R Hamilton  
District Court Judge

#### CERTIFICATE OF MAILING

I hereby certify that I mailed a true and correct copy of PRE-TRIAL ORDER first-class mail, postage pre-paid, to the following:

DATED this day of\*\*, 20\*\*.

Judicial Assistant