

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. XX-CIV-XXXX-RAR

XXXX,

Plaintiff,

vs.

XXXX,

Defendant.

ORDER PROVIDING INSTRUCTIONS FOR BENCH TRIAL

THIS CAUSE comes before the Court upon *sua sponte* review of the docket. It is hereby **ORDERED AND ADJUDGED** as follows:

EVIDENTIARY MATTERS

1. In preparation for the bench trial scheduled to commence during the two-week trial period beginning on XXXX counsel shall meet and prepare an Exhibit Notebook, consisting of three (3) divisions. The first division shall contain the parties' agreed-to exhibits; the second division shall contain Plaintiffs' exhibits; and the third division shall contain Defendant's exhibits. Those exhibits which are agreed to shall not be repeated in the second or third divisions of the notebook. Each division shall be clearly and adequately designated (tabbed) and each exhibit appropriately labeled. The first page after each tab shall be a face page identifying the exhibit by number and type (*i.e.*, agreed-to, Plaintiffs' or Defendant's). The Exhibit Notebook shall also include an exhibit index. The parties shall include in the Notebook only those exhibits that are considered absolutely necessary. The failure to include any particular exhibit in the Notebook, however, shall not preclude admission of any exhibit that was properly listed on the party's pretrial exhibit list.

2. **At the calendar call on XXXX**, the parties shall submit to the Court the index of the exhibits in the Exhibit Notebook. The index must be prepared on Form AO 187, with objections to exhibits indicated. Counsel shall each have a copy of the Exhibit Notebook and shall provide a copy to the Court on the first day of trial. To the extent possible, the Court will rule on all objections at that time.

3. Following the Court's rulings on objections to exhibits, counsel shall revise the Exhibit Notebook (including the Court's and each counsel's copy) in accordance with the Court's rulings. Counsel shall then prepare three copies of the revised Exhibit Notebook, two for the Court and one to keep at the witness box for use by the witnesses, as needed. The revised Exhibit Notebook shall contain only those exhibits to which there is no objection. As to those exhibits upon which the Court reserved ruling until presentation of testimony at trial, counsel shall have sufficient copies of each exhibit to provide to the Court, to other counsel, and to witnesses, in the event the exhibit is admitted into evidence.

4. At calendar call, the parties shall submit: (a) an updated assessment of the estimated time required for the trial of this action; and (b) a list indicating each witness who will testify at trial, a one sentence synopsis of the testimony, and in consultation with opposing counsel, the amount of time needed for direct and cross examination.

INSTRUCTIONS REGARDING THE USE OF DEPOSITIONS AT TRIAL

If deposition transcripts will be used at trial, the parties shall comply with the following guidelines:

5. At least **twenty-eight (28) days** in advance of trial, Plaintiff(s) shall serve designations of any deposition transcripts they intend to use at trial. At least **twenty-one days** in advance of

trial, Defendant(s) shall serve their counter-designations, together with any objections to Plaintiff(s)' designations. At least **fourteen days** in advance of trial, Plaintiff(s) shall serve any rebuttal designations, together with any objections to Defendant(s)' counter-designations. At least **seven days** in advance of trial, Defendant(s) shall serve any objections to Plaintiff(s)' rebuttal designations.

6. By the calendar call, the parties shall prepare and JOINTLY FILE one transcript for each deposition to be used during trial. The parties shall edit the transcript, using a mini-transcript when available, to remove all irrelevant, extraneous and unnecessary pages. Each portion of the testimony designated shall be bracketed to indicate beginning and end. A notice of filing setting forth each party's designated testimony by line and page, and setting forth all objections, shall be filed with the transcript. In addition to listing objections in the notice of filing, the objections shall also be indicated in the margin of the transcript. The parties may either write their objections in the margins, or use logical abbreviations that will be apparent to the Court and other parties (for example "H" for hearsay). If the parties use abbreviations, the notice of filing must include a key for the Court's reference.

7. A courtesy copy of the notice and transcript shall be delivered to chambers at the time of filing. Each party shall mark the courtesy copy of the transcript with a different color ink or highlighter to identify its designated portions of the transcript.

MISCELLANEOUS INSTRUCTIONS

8. If the case is settled, counsel shall inform the Court promptly by calling the Judge's Chambers and submit an appropriate Order for Dismissal with Prejudice, pursuant to Fed. R. Civ. P. 41(a)(1). The proposed Order SHALL be filed no later than **five days** after Notice of Settlement

is given to the Court.

9. In order to facilitate the accurate transcription of the trial proceeding by the court reporter, no later than **five (5) days** prior to the scheduled trial period the parties shall file copies of: (1) the witness and exhibit lists, and (2) a designation of unique proper nouns/names which may be raised at trial. Furthermore, no later than **five (5) days** prior to the scheduled trial period they shall deliver to the court reporter digital copies of all exhibits to be used at trial.

10. Non-compliance with any provision of this Order may subject the offending party to sanctions or dismissal.

All dates established by prior Court Order remain in effect, except that, to the extent any of the provisions of this Order conflict with a prior Court Order, this Order controls.

DONE AND ORDERED in Fort Lauderdale, Florida, this XX day of XXXX, XXXX.

RODOLFO RUIZ
UNITED STATES DISTRICT JUDGE