

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**GWENDOLYN B. SMITH,**

**Plaintiff,**

**v.**

**THE DISTRICT OF COLUMBIA,**

**Defendant.**

**Civil Action No. 02-481 (JMF)**

**PRETRIAL PROCEDURES ORDER**

This case is before the Court upon consent of the parties to a trial before a United States Magistrate Judge. A four (4) day trial is currently scheduled for July 31, 2006. A pre-trial conference will be held on June 29, 2006 at 9:30 a.m. In preparation for trial, it is hereby,

**ORDERED** that the parties comply with the following directives:

The parties shall file a **Joint Pretrial Statement** at least eleven (11) days prior to the date of the pretrial conference. To accomplish this, the parties shall meet and confer, upon the arrangement by counsel for plaintiff, prior to the filing of the Joint Pretrial Statement to discuss all pretrial matters.

The Joint Pretrial Statement shall contain the following information as required in Local Rule 16.5(b):

- 1) A statement of the case;
- 2) A statement of claims made by the party;
- 3) A statement of defenses raised by the parties;

4) A schedule of the witnesses to be called by the party;

Specifically, the first subdivision under witnesses shall be entitled “Witnesses which both Parties shall Call.” The parties should indicate the anticipated duration of each witness’s testimony and a brief summary of his or her anticipated testimony. The second subdivision shall be entitled “Plaintiff’s Witnesses” and shall follow the same format as to each of the witnesses plaintiff intends to call but whom defendant does not. The third subdivision shall be entitled “Defendant’s Witnesses” and shall follow the same format as to each witness defendant intends to call but whom plaintiff does not. The parties shall also indicate any objections to any witness named.

5) A list of exhibits to be offered in evidence by the party;

Specifically, counsel shall exchange their proposed exhibits. The first subdivision under exhibits shall be entitled “Joint Exhibits.” In this subdivision, the parties shall list all the exhibits to which neither party has any objection and shall identify each such exhibit by a joint exhibit number, date, and author. A brief summary of the exhibit shall also be provided. The parties shall use the following format:

JEX #	Date	Author	Summary
1	10/21/95	Smith	Memorandum re: job assignments

Once the exhibits have been exchanged, each party shall examine the other’s exhibits, and as to each exhibit proffered, indicate whether it has any objection, and, if it does, the reason for such objection. The second subdivision of the portion of the Pretrial Statement entitled “Exhibits” shall be entitled “Plaintiff’s Exhibits.” In it, plaintiff will list his exhibits and

defendant will note his objection using the following format:

PEX #	Date	Author	Summary	Objection	Fed. R. Evid
1	10/21/95	Smith	Memorandum re: job assignments	Relevance	403

The third subdivision of the portion of the Pretrial Statement entitled “Exhibits” shall be entitled “Defendant’s Exhibits.” In it defendant will list his exhibits and plaintiff will note his objection using the identical format.

- 6) A designation of depositions, or portion thereof, to be offered in evidence by the party;

Specifically, if either party contemplates using a deposition in *lieu* of live testimony, that party shall designate the deposition to be used and identify by page and line number the portions of the deposition to be used. The opposing party will then (a) designate by page and line number what additional portions of the deposition it intends to offer and (b) state whatever objections it has to the portion of the deposition which its opponent has designated. The parties will then meet and prepare a version of the deposition which shows by type face or interlineation: (a) the portions of the deposition which the parties are agreed may be read to the jury, (b) the portions of the deposition which plaintiff wishes to read to the jury but to which defendant objects, and (c) the portions of the deposition which defendant wishes to read to the jury but to which plaintiff objects.

- 7) An itemization of damages the party seeks to recover;

Specifically, plaintiff’s counsel shall share with defendant’s counsel its damage calculation. The parties shall then confer as to whether they can agree as to the proper calculation

with the understanding that defendant, by agreeing to the calculation, is not conceding plaintiff's entitlement to any damages. If parties can agree on the calculation, they shall so indicate in a section of the Joint Pretrial Statement entitled "Damage Calculation" and shall provide the amount and an explanation of how they arrived at that amount. If they cannot agree, plaintiff shall insert into the Joint Pretrial Statement a section entitled "Plaintiff's Damage Calculation" in which he will set forth with precision and exacting detail the elements of the damages he claims to include, such as back pay, front pay, retirement benefits, and leave. Defendant shall insert into the Joint Pretrial Statement a section entitled "Defendant's Damage Calculation" setting forth the amount of damages defendant claims is the maximum plaintiff could claim if he secured relief on all counts of the complaint and a detailed explanation of how defendant arrived at that amount.

8) A request for other relief sought by the party;

9) An estimate of the length of each party's case.

The parties shall file any motions *in limine* no later than fifteen (15) calendar days prior to the date of the pretrial conference; oppositions shall be due no later than ten (10) days prior to the pretrial conference; and replies shall be due no later than five (5) days before the pretrial conference. Counsel are to deliver courtesy copies of these submissions directly to chambers.

In cases to be tried to a jury, the parties shall jointly file the following documents at least three (3) business days prior to the pretrial conference:

1) Proposed jury voir dire questions;

2) Proposed verdict form;

3) Proposed jury instructions.

These materials are to be jointly filed and the submission should reflect a good faith effort

to resolve any disagreements. Where disagreements remain, the document should be organized to show items of agreement and to display, in some adjacent fashion, the parties' respective alternatives or objections on the items of disagreement.

It is **FURTHER ORDERED** that in addition to the filing of the Joint Pretrial Statement and the depositions to be used during trial, a courtesy copy of these materials, with the portions of the depositions to be used clearly marked, shall be delivered directly to chambers eleven (11) days prior to the pretrial conference.

It is **FURTHER ORDERED** that failure to appear at the pretrial conference or to comply with the requirements of this order will subject the party or attorney to appropriate sanctions under the rules.

**SO ORDERED.**

Dated:

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JOHN M. FACCIOLA  
UNITED STATES MAGISTRATE JUDGE