

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
WITHIN AND FOR SWEETWATER COUNTY, WYOMING**

PLAINTIFF,

Plaintiff,

vs.

DEFENDANT,

Defendant.

Docket No. C-xx-xxx-L

ORDER AFTER PRETRIAL CONFERENCE

THIS MATTER came before the Court for Pretrial Conference on _____. The Plaintiff appeared through counsel _____ and the Defendant appeared through counsel _____. The Court has considered the pleadings, pretrial memoranda, motions, and arguments of counsel, and finds that an Order After Pretrial Conference should issue.

NOW THEREFORE IT IS ORDERED:

1. Motions and Evidentiary Issues

- (a) The parties have a continuing duty to disclose information and material as it becomes known. W.R.C.P. 26(e).
- (b) The parties have raised the following motions or evidentiary issues:

2. Exhibits

- (a) The parties have/have not stipulated to the foundation or admissibility of any exhibits. The parties are aware that _____ () days have been allocated for this trial, and will confer in good faith and stipulate to foundation and admissibility of exhibits unless foundation or admissibility are disputed.
- (b) Plaintiff has designated proposed exhibits, listed and marked by numbers, in filings for the pretrial conference in this case. The Court and Defendant may rely upon such listing or designation of exhibits by Plaintiff for purposes of trial.
- (c) Defendant has designated proposed exhibits, listed and marked by letters, in filings for the pretrial conference in this case. The Court and Plaintiff may rely upon such listing or designation of exhibits by Defendant for purposes of trial.
- (d) If any exhibit is discovered after the filing of a party's exhibit list pursuant to the scheduling order in this case, before or during trial, the party discovering such exhibit

shall have the obligation to immediately provide the opposing party with inspection and a copy. No exhibit may be utilized, used or offered in the case-in-chief of either party or in rebuttal unless, in advance, the right to inspect and/or a copy is provided to opposing counsel, and the Court approves of the nature, scope, and manner of such exhibit in advance.

(e) Original exhibits may be published to the jury only after obtaining prior permission from the Court. Except for tangible items, exhibits will be published by video or projection, or a true and correct copy will be provided to each juror. Failure to follow this procedure may result in the Court's refusal to allow publication of exhibits in the interest of time under Rule 611 of the Wyoming Rules of Evidence. The Court will not permit any further activity to occur until after the exhibit has been reviewed by the jury.

(f) A copy of all exhibits a party may use at trial will be provided to the Court bound in a notebook prior to trial (except tangible exhibits which cannot be duplicated).

(g) No other objections to exhibits or exhibit disclosures were made.

3. Witnesses

(a) Plaintiff has designated witnesses in filings for the pretrial conference in this case. The Court and Defendant may rely upon such witness designations by Plaintiff for purposes of trial.

(b) Defendant has designated witnesses in filings for the pretrial conference in this case. The Court and Plaintiff may rely upon such witness designations by Defendant for purposes of trial.

(c) If a witness is discovered after the filing of a party's witness list pursuant to the scheduling order in this case, before or during trial, the party discovering the witness shall have the obligation to immediately provide the opposing party with a summary of the expected testimony. No such witness may be called for the case in chief of either party or in rebuttal unless a written copy of the statement or a detailed summary of the matters upon which the witness will testify is provided to opposing counsel prior to calling the witness, and the Court approves of the nature, scope, and manner of such testimony in advance.

(d) No other objections to witnesses or witness disclosures were made.

4. Trial

(a) This matter is currently set for trial on _____, at 9:00 a.m., before a jury of twelve (12) plus one (1) alternate. This case is the **number _____ case for trial on that date.**

(b) _____ days are set aside for trial. Counsel are reminded that the last day of trial is not a full trial day for purposes of presenting evidence. The Court will manage the trial with the objective of concluding the evidence by mid-morning on the last day of trial, therefore allowing time for closing instructions and arguments and submitting the case to the jury for their deliberations at or near the lunch hour.

(c) Stipulations as to any material facts or governing law shall be in writing and signed by all counsel.

(d) The general trial hours will be from 9:00 a.m. to 5:00 p.m. with an hour and fifteen minutes for lunch and breaks as the Court deems appropriate in the morning and afternoon. The Court may choose to begin trial earlier as the case moves along as it deems necessary and appropriate.

(e) Each of the parties shall receive thirty (30) minutes for opening statements, forty-five (45) minutes for closing arguments, and Plaintiff shall have fifteen (15) minutes for rebuttal.

(f) Counsel should be prepared for brief conferences with the Court no less than fifteen minutes prior to the beginning time of the trial day, or as otherwise directed by the Court. Counsel should be prepared to make themselves available for a series of informal instruction conferences at the end of the trial day as the case progresses. The Court anticipates 1 to 2 informal instruction conferences before the final and formal instruction conference on the record.

(g) The parties anticipate trial of this case will take _____ to ____ days.

(h) No other time restrictions or time budget limitations will be imposed by the Court, (unless the Court finds that the trial will not be completed within the number of trial days allotted). In the event that time restrictions or time budget limitations are imposed, no constitutional rights or due process will be affected.

5. Jury

(a) No objections to the composition of the jury, method of compilation or maintenance of the list, or the Court's jury selection procedures were made in the parties' pretrial filings or at the pretrial conference.

(b) Private juror information must be kept confidential by all counsel and parties, except for purposes strictly related to jury selection. Attorneys may use contact information for follow-up with jurors after trial. Improper or unauthorized release or dissemination of private juror information by any attorney or party may be dealt with as indirect contempt of this Court for violation of this Order and will subject any offender to any and all remedies available, including imprisonment, payment of sanctions, and payment of costs and attorney's fees.

(c) Jury selection and instructions to jurors before opening statements were not discussed. The Court anticipates giving 2013 WCPJI 1.02 - General Instructions Before Opening Statements, 1.02A - Jurors Will Be Permitted to Take Written Notes During the Course of Trial, 1.02G - Written Questions by Jurors for Witnesses Permitted, and (verbally only) 2014 WCrPJI 1.09 - Cautionary Instruction: Recesses.

(d) If counsel fail to strictly comply with the requirements and prohibitions contained in Rule 47(c) of the Wyoming Rules of Civil Procedure, the Court may assume the examination and preclude the offending party from further examination and violation of this provision of this Pretrial Order may be considered and dealt with as contempt of this Court.

(e) The parties will provide the Clerk fourteen (14) copies of any stipulated materials for the juror notebooks a reasonable time in advance of trial. The Court will include the "Focus on the Courtroom" document attached hereto.

(f) The parties did not request any case-specific juror questionnaires.

6. Special Requirements

(a) The Court will not allow any delays as a result of failure of technology. The Court encourages use of technology to efficiently and effectively present information to the jury, and the parties are strongly encouraged to test presenting the actual audio/video/photographs to be used at trial on the equipment on which it will be played, in the courtroom, prior to trial. Use of technology is at the offering party's own risk and the Court will not allow any delays a result of technical difficulties.

(b) Speaking objections are not permitted. If an objection or response requires more than a one-word explanation or a citation to the applicable rule of the Wyoming Rules of Evidence, counsel shall request permission to approach the bench. Counsel shall not present any argument on objections within the hearing of the jury.

(c) Counsel are reminded that they are expected to conduct themselves in accordance with the Rules of Professional Conduct for Attorneys at Law, applicable

Wyoming law, the Wyoming Rules of Civil Procedure, and the Uniform Rules for District Courts. In particular, the Court expects compliance with Rule 801 of the Uniform Rules for District Courts.

- (d) Treat opposing counsel, all parties, every witness, and the jurors with courtesy.
- (e) Address all witnesses, parties, counsel, jurors, and the venire by last names.
- (f) Stand when addressing the Court, a witness, the jury, or the venire.
- (g) Counsel shall request of the Court and receive from the Court permission to approach the bench, a witness, or the jury.
- (h) Counsel shall remain behind the podium.
- (i) Counsel should be mindful of not speaking with his or her back to the witness, the jury or the Court.
- (j) Remember the Court Reporter and speak slowly and loudly enough to be heard.
- (k) Have each witness spell his or her name for the Court Reporter.
- (l) Re-cross examination will be allowed only in extraordinary circumstances.
- (m) Court shall begin promptly at announced times, with or without counsel.
- (n) The Court shall enforce U.R.D.C. 503(a), which provides:

When a civil case is settled too late for the clerk of court to advise the jury panel that the jurors should not appear on the date summoned, the court may order that any or all parties reimburse the proper fund for the fees and mileage paid to the jurors and bailiffs for their attendance.

The Court has prepared this order. In the event that any party objects to the form and/or any content of this Order, such objecting party will have ten (10) days to file and serve any objections, along with an alternate form of order. The Court reserves the right to rule on any objections filed by any party with or without a hearing. Failure to file and serve any objections, along with an alternate form of Order, within ten (10) days from the date hereof will be deemed a complete waiver of any and all objections as to form or content of this order.

DATED this _____ day of _____, 201__.

By the Court,

RICHARD L. LAVERY
District Court Judge