

Case Management Procedures Judge Mark A. Beatty

DISCLAIMER

These case management procedures are subject to change without notice. Attorneys and litigants should always access these case management procedures from the district court website to ensure that they are viewing the most up-to-date version and should examine the procedures on a regular basis to stay abreast of the changes.

CONTENTS

- General Matters
- Mandatory Mediation Program
- <u>Rule 16 Conferences</u>
- <u>Rule 26 Disclosures</u>
- <u>Motion Practice</u>
- <u>Discovery Disputes</u>
 - Consented Cases
 - Discovery disputes referred by a District Judge
- <u>Settlement Conferences</u>
- <u>Trial and Pre-Trial Related Procedures</u>
- Jury Instructions
- Bill of Costs

General Matters

Proposed Documents Inbox

The Court's proposed document inbox is <u>MABpd@ilsd.uscourts.gov.</u> All proposed documents should be submitted in Microsoft Word format.

Proposed Orders

Litigants need not submit a proposed order in conjunction with their underlying motion unless specifically asked to do so by the Court.

In prisoner cases when a qualified protective order pursuant to the Health Insurance Portability and Accountability Act (HIPAA) is requested, we will direct the Clerk's Office to enter the standard HIPAA protective order. Counsel does not need to send us a proposed protective order unless the standard version is inadequate for some reason. And those reasons should be explicitly stated first thing in the motion asking for the protective order.

Courtroom Decorum

Attorneys may sit or stand anywhere they desire while addressing the Court, the jury, or any witness, provided the attorney may clearly be heard. Attorneys who are soft-spoken will be required to use a portable microphone or the microphone at the podium or counsel table.

Attorneys must only request permission to approach a witness once and need not seek permission thereafter.

Time Sensitive Motions

Judge Beatty and his law clerks check docket activity reports for their cases on a daily basis. They also receive daily NEFs (notices of electronic filing) for certain cases. This system does not always result in immediate notification as to newly-filed motions. For this reason, if an attorney e-files an urgent or time-sensitive motion, s/he should phone the law clerk assigned to the case and alert him/her that the motion has been filed.

Courtesy Copies

Courtesy copies for complex dispositive and non-dispositive motions are appreciated, but not required. Examples of motions where a courtesy copy (including exhibits) would be appreciated are cross motions for summary judgment, motions/briefs regarding class certification, motions/briefs where the parties have been granted leave to extend the page limit, or motions with a significant amount of supporting exhibits.

Teleconferences

If the Court orders a teleconference, instructions for participating will be included in the CM/ECF notice setting the matter. It is each party's responsibility to follow instructions and call into the teleconference <u>on time</u>. A failure to call in to the telephone conference on time, or at all, may result in the teleconference commencing in counsel's absence.

Counsel should conduct themselves on the teleconference as if they were **<u>present in open</u>** <u>**Court**</u>.

Teleconferences are done for the convenience of the parties. A failure to act appropriately during a teleconference may result in a revocation of the offending party's ability to appear by telephone for future conferences.

Mandatory Mediation Program

The Court has adopted a Mandatory Mediation Plan ("Plan"). *See* SDIL-LR 16.3(a); Administrative Order No. 301. Under the Plan, non-exempt civil cases are referred to the Court's Mandatory Mediation Program ("Program") when a presumptive trial date is assigned. Other cases may be referred into the Program in the discretion of the presiding judge or magistrate judge.

Rule 16 Conferences

The Court will schedule a Rule 16 Scheduling and Discovery Conference after the case is assigned a track. *See* SDIL-LR 16.1.

The parties are required to meet and confer, consistent with Federal Rule of Civil Procedure 26(f), at least twenty-one (21) days prior to the scheduling conference. At least seven (7) days prior to the scheduling conference, the parties must submit a Joint Report of Parties and Proposed Scheduling and Discovery Order ("Joint Report") to the Court via e-mail at <u>MABpd@ilsd.uscourts.gov</u>. The Joint Report should be submitted using one of the following forms: (1) Joint Report for Cases Referred to Mandatory Mediation; (2) Joint Report for Cases not Referred to Mandatory Mediation; or (3) Joint Report for Class Actions. These forms are also available on the "Forms" page of the District Court's website (www.ilsd.uscourts.gov/forms-0).

Absent a specific waiver by the Court, the scheduling conference will occur even though the Joint Report has been timely submitted.

The Scheduling and Discovery Conference will be telephonic. Instructions for placing the call will be provided in the Order setting the scheduling conference. If counsel happens to be present at the courthouse at the time of the conference, counsel is welcome to simply come to my chambers and participate in that manner. The attorney who is most familiar with the case should participate.

At the Scheduling and Discovery Conference, counsel will be expected to discuss in detail all matters covered by FED. R. CIV. P. 16, as well as all matters set forth in their Joint Report. Counsel should also be prepared to report orally on the matters discussed at their Rule 26(f) conference and will specifically be asked to report on the potential for settlement; whether settlement demands or offers have been exchanged, without revealing the content of any offers or demands; and, suitability for scheduling a settlement conference.

The Court is mandated to enter a scheduling order and, therefore, very rarely continues Rule 16 Conferences. Rule 16 Conferences will be held in spite of pending dispositive motions, such as a motion to dismiss or a motion to remand.

Rule 26 Disclosures

Federal Rule of Civil Procedure 26 will be strictly enforced. Counsel should keep in mind the following:

- Rule 26(a)(1) outlines the required initial disclosures, and these must be supplemented pursuant to Rule 26(e).
- Rule 26(a)(2)(A) refers to all expert disclosures and, again, these must be supplemented pursuant to Rule 26(e).
- Rule 26(a)(2)(B) addresses retained or specially employed experts. Again, Rule 26(e) requires supplementation.
- Rule 26(a)(3) deals with pretrial disclosures (not discovery) which must be made at least 30 days before trial. Thus, Rule 26(a)(3) disclosures should be made 30 days before the first day of the presumptive trial month. Objections are due 14 days after the disclosures are made. These disclosures (and the objections) shall be filed electronically with the Clerk of Court. Counsel should bring their Rule 26(a)(3) disclosures and any objections to the Final Pretrial Conference.

Motion Practice

Pleadings

All pleadings must be filed with the Clerk's Office via the Case Management/Electronic Case Filing (CM/ECF) system.

Responses & Replies

In accordance with Local Rule 7.1(c), Judge Beatty allows 30 days for parties to file memoranda responding to dispositive motions, post-trial motions, and motions to remand. For motions other than these, Local Rule 7.1(g) governs response deadlines and supporting brief requirements.

Response briefs can be no longer than 20 pages, unless written leave of court is obtained. Reply briefs are strongly discouraged. If filed, reply briefs may be no longer than 5 pages and must be filed within 14 days of service of the response. See Local Rule 7.1(c).

These deadlines and page limits may be altered by Judge Beatty where appropriate or necessary in a particular case.

Motion to Compel Discovery

Motions to Compel discovery should not be filed unless the parties are directed to do so by the Court. Judge Beatty's procedure for resolving discovery disputes is outlined below.

Motions in Limine

Motions in Limine shall be filed 21 days prior to the final pretrial conference. Responses to the motions shall be filed 14 days after the filing of the motion.

If the parties believe that a different briefing schedule is necessary or appropriate, they may ask the Court (and jointly propose an alternative briefing schedule). The Court is willing to consider any proposal but does not guarantee any deviation from the above noted schedule.

Motions in Limine must be filed as a **single, consolidated memorandum** that presents all evidentiary issues for which the party seeks a pretrial ruling, rather than filing separate motions for each evidentiary issue. If a party believes that a particular issue is so complex or involved that it requires its own standalone motion, they should alert the Court in advance of the motion deadline and the Court will handle such a request on a case by case basis.

Daubert Motions

All *Daubert* motions (seeking to exclude expert testimony/evidence) must be filed by the dispositive motion deadline, <u>not</u> the motion *in limine* deadline. **Counsel is ADVISED that** *Daubert* **motions not filed in accord with this deadline will be denied as untimely-filed.**

Motions to Dismiss

In any dismissal motion filed before Judge Beatty, the movant must clearly state: (1) the specific section under which dismissal is sought, *i.e.*, not just "Rule 12(b)" but "Rule 12(b)(6)," etc.; (2) whether dismissal is sought of the complaint, the entire case, or just certain parties or claims; and (3) whether dismissal is sought with prejudice or without prejudice.

See Local Rule 7.1(c) for briefing deadlines governing dismissal motions, subject to modification by Judge Beatty in a particular case.

Motions to Remand

See Local Rule 7.1(c).

Trial Briefs

Trial briefs are not required and should not be filed unless advised by the Court to do so. Should counsel anticipate any novel or particularly difficult legal issues which will require extensive arguments outside the hearing of the jury, the Court shall be so advised at the final pretrial conference. The Court will then determine a time and forum for resolution of the issues involved and whether counsel will be required to brief the issues and when.

Oral Argument on Motions

If Judge Beatty determines that oral argument will be helpful in considering the motion, he will set the matter for hearing. The Courtroom Deputy Clerk will notify all parties of the date and time for the hearing by entering a Notice in CM/ECF. If any party believes that oral argument would be helpful to the Court, counsel may file a motion requesting a hearing or request it within the motion itself. However, a request for oral argument does not guarantee the Court will set the matter for argument.

Courtesy Copies

As previously noted in the General Matters, courtesy copies for complex dispositive and non-dispositive motions are appreciated, but not required. Examples of motions where a courtesy copy (including exhibits) would be appreciated are cross motions for summary judgment, motions/briefs regarding class certification, motions/briefs where the parties have been granted leave to extend the page limit, or motions with a significant amount of supporting exhibits.

Discovery Disputes

Consented Cases

The parties are encouraged to resolve discovery disputes informally without Court intervention. The party seeking the discovery (or to avoid answering or responding to discovery) must, in good faith, confer or attempt to confer with the other party regarding the dispute. A good faith effort means more than simply an exchange of letters or e-mails. It means the parties have also attempted to resolve the dispute through a <u>telephone call</u> <u>or an in-person meeting</u>. Simply put, the parties are expected to have actually spoken to one another about the issue in dispute

If the discovery dispute cannot be resolved informally, the parties may seek the Court's assistance. The parties should submit a **one-page joint statement of the issues**. The joint statement should succinctly state in a non-argumentative fashion the issue(s) in dispute that require Court intervention. The joint statement should also provide a brief outline of the attempts the parties have made to resolve the discovery dispute informally. Judge Beatty will not consider any discovery matter unless the joint statement demonstrates the parties have made a good faith effort to resolve the dispute on their own.

If written discovery is involved, the parties should submit the actual discovery in dispute as an attachment to the joint statement. (*E.g.*, if the parties have a dispute over the Defendant's objections to Plaintiff's interrogatories, then the actual interrogatories and objections that are in dispute should be submitted as an attachment.)

The joint statement of the issues (along with any written discovery) should be sent to the Court via email to MABpd@ilsd.uscourts.gov AND must also CC Judge Beatty's Courtroom Deputy Clerk, Jennifer Jones, at Jennifer_Jones@ilsd.uscourt.gov. Upon receipt of the joint statement of the issues, the Court will set the matter for a discovery dispute conference.

If after a reviewing the joint statement of the issues **or** meeting with the parties in a discovery conference, the Court believes that written briefing is necessary, then it will set a briefing schedule. The briefing schedule will be expedited and include page limits (*e.g.* seven-day response deadline and a five page limit for briefs).

In appropriate circumstances, and for good cause shown, the Court reserves the right to award costs (or in referred matters issue a Report and Recommendation for the imposition of costs) associated with the discovery dispute against the non-prevailing party.

Discovery disputes referred by a District Judge

Disputed discovery matters that are referred to Judge Beatty by a district judge for disposition will be handled on a case by case basis depending on how the district judge has instructed the parties to proceed.

Settlement Conferences

All parties must submit settlement statements at least **seven (7)** days prior to the settlement conference. Click <u>here</u> for a blank Settlement Statement of Attorney. Settlement statements are NOT filed in CM/ECF. They should be sent directly to chambers via email to <u>MABpd@ilsd.uscourts.gov</u> (both Word format and PDF format are acceptable).

If, during preparation for a settlement conference, one or both of the parties come to believe that the conference would not be useful, the parties **MUST** contact chambers by telephone as soon as possible. **Absent an order canceling the settlement conference however**, the conference will be held as scheduled and the parties will still be under an obligation to timely submit settlement statements.

Attendance at Settlement Conferences in Regular Civil Cases

Judge Beatty requires that lead counsel and the parties attend the settlement conference in-person. A named individual defendant need not attend if covered by liability insurance. In that case, an insurance representative with full authority to negotiate and settle the case must attend. Frequently, an insurance representative appears with authority only to a certain dollar limit, which is typically insufficient to achieve a settlement. It then becomes necessary to track down by telephone the person with further authority so that negotiations can be completed. This is disruptive and inefficient. A good rule of thumb for litigants trying to select a proper representative is to bring a person who can agree to any sum demanded/offered by the opposing party without resort to the telephone.

In employment cases, the defendant(s) should not bring anyone who had any relevant input in the employment decision(s) that gave rise to the underlying lawsuit. In some cases, due to the size of the defendant company, this is unavoidable. When it can be avoided, however, it must be. A good rule of thumb is to leave behind anyone who might testify at trial concerning the reasons for the employment action taken. Additionally, corporate counsel is often consulted prior to an employment decision, inextricably linking them to the event that gave rise to the underlying lawsuit. Therefore, when possible, corporate counsel should not attend the settlement conference.

Municipalities, counties, and other public entities represented by boards are often sued in federal court. On many occasions, a quorum of a governing board has appeared at a settlement conference. This is not problematic so long as Open Meetings Act laws are not violated. Counsel is urged to take appropriate precautions.

Defendants who appear with nothing but nuisance money may find themselves paying the cost for plaintiff(s) and plaintiff(s)' attorneys to attend the settlement conference.

Attendance at Settlement Conferences in Prisoner Cases

Judge Beatty routinely conducts settlement conferences in cases where the Plaintiff is incarcerated within the Illinois Department of Corrections. Judge Beatty frequently conducts multiple settlement conferences in these types of cases in one day. Due to the frequency with which these conferences occur, Judge Beatty has exempted prisoner civil rights cases from the requirement that all parties must attend in person. In these cases, the plaintiff will generally appear at the settlement conference by video. The plaintiff's counsel must appear in person and will be able to communicate with his client via the videoconferencing system in the Courtroom. The Defendants are often prison medical personnel and/or state employees. Counsel must appear in person, except in certain circumstances.

If the parties have any questions as to whether their case qualifies for this exemption, they should contact chambers prior to the settlement conference.

If the parties believe that an in-person appearance by the plaintiff and/or defendant's representative would be beneficial, they should notify chambers prior to the settlement conference.

Trial and Pre-Trial Related Procedures

Final Pretrial Order

Counsel shall prepare a <u>Final Pretrial Order</u> using Judge Beatty's approved form.

Local Rule 16.2(b)(1) provides that the parties shall submit a signed, joint Final Pretrial Order no later than 3 days prior to the Final Pretrial Conference. Counsel shall e-mail the Final Pretrial Order to Judge Beatty's proposed document in-box at: <u>MABpd@ilsd.uscourts.gov</u>. The parties should put time and effort into drafting the summary of the case provided in the Final Pretrial Order, as it is often the description of the case that is read to the jury during voir dire.

Mandatory Exhibit List/Exhibits

NOTE: The parties shall identify the exhibits they intend to use at trial in the disclosures timely made pursuant to Federal Rule of Civil Procedure 26(a)(3). When possible, objections filed pursuant to Rule 26(a)(3) will be resolved at the Final Pretrial Conference. The parties shall bring their Rule 26(a)(3) disclosures and any objections to the Final Pretrial Conference. The parties shall also bring any exhibit to which there is an objection to the Final Pretrial Conference.

The parties shall prepare a final <u>Exhibit List</u> using Judge Beatty's approved form (Microsoft Excel format). The exhibit list shall be emailed to the Courtroom Deputy Clerk, Jennifer Jones, at Jennifer_Jones@ilsd.uscourts.gov, no later than 3 business days prior to the first day of trial.

If a medical file is submitted in its entirety as an exhibit, then the parties should break down the specific medical records that they plan to use during trial into subsections using a letter after the exhibit number. (e.g., 1a, 1b, 1c, 1d, 1e, 1f . . . etc.). No other exhibits should have a letter after the number. To make the process easier on the parties, Plaintiff's exhibits shall begin numbering with 1 and continue through 199 and Defendants shall then begin numbering at 200. Should plaintiff have more than 199 exhibits, please notify counsel so that defendants' exhibits can then begin with 300 (instead of 200).

All other exhibits should be pre-marked with arabic numerals for each exhibit. For instance, Plaintiff's exhibits should be numbered as Plaintiff's Exhibit 1, Plaintiff's Exhibit 2, et seq. Defendant's exhibits should be pre-marked and numbered sequentially, as Defendant's Exhibit 200, Defendant's Exhibit 201, et seq. Duplicate exhibits are not permitted. In other words, if an exhibit is offered by Plaintiff, Defendant should not offer the same exhibit. The goal is to have one set of exhibits.

Other points to note when preparing the exhibit list:

- Letters should not be used to identify exhibits (i.e., use only 1, 2, 3, 4; do not use 1, 1A, 1B, 2, 2A—with the exception of the medical file entered in its entirety).
- Do not designate any exhibits as "group" exhibits.
- Designate multiple page exhibits with one exhibit number, using page numbers for further identification.
- Do not group sets of multiple photographs. Give each photograph a separate exhibit number.
- Do not assume that the Court will allow any exhibits to be passed among jurors. Publication will be handled by evidence presentation technology or by use of juror notebooks.

The Court encourages the parties to assemble an exhibit book for witnesses to view while being examined, as this expedites the examination process.

All exhibits shall be submitted to the Courtroom Deputy Clerk, Jennifer Jones, in digital format either on a thumb drive or CD no later than 3 business days prior to the first day of trial. The Jury Evidence Recording System (JERS), which will be used by the jury during deliberations, can accommodate both PDF documents and JPEG files. The parties are encouraged to schedule a courtroom visit prior to trial to familiarize themselves with the JERS system and to test any personal laptops that will be used to present evidence. Specific questions about preparing the exhibit list, submitting exhibits in digital format, and/or scheduling a courtroom visit should be directed to the Courtroom Deputy Clerk, Jennifer Jones, by email message to Jennifer_Jones@ilsd.uscourts.gov or raised at the Final Pretrial Conference.

Witness List

The parties shall disclose the names of witnesses as directed by Federal Rule of Civil Procedure 26(a)(3) and include in the Final Pretrial Order the name of all persons who may possibly/potentially be called at trial. The list of witnesses in the Final Pretrial Order may be read to the jury during voir dire. Absent extraordinary circumstances, any person not included on the list *will not be permitted to testify at trial*, because his/her name will not have been disclosed to the potential jurors.

If a different deadline is not set on CM/ECF, then by 12:00 noon on the business day prior to trial, counsel shall each e-mail a final list of the witnesses they intend to call at trial to Courtroom Deputy Jennifer Jones at Jennifer_Jones@ilsd.uscourts.gov. Questions regarding the Witness Lists may be addressed to Jennifer Jones at (618) 482-9230.

Deposition Testimony

The parties shall exchange designations (by page and line numbers) of the portions of any depositions they wish to be read or played via video to the jury **14 days prior to the final pretrial conference**. They shall exchange objections and counter-designations **7 days prior to the final pretrial conference**. The parties shall submit to the Court via e-mail to <u>MABpd@ilsd.uscourts.gov</u> the deposition transcripts, or portions thereof, complete with designations and objections **3 days prior to the final pretrial conference**.

Jury Selection

• Jury Questionnaires

Jury questionnaires <u>click here</u> are completed by each venire person before being placed on a venire panel. The completed questionnaires are placed in binders according to venire number and provided to each party before jury selection begins. Questionnaires must be returned to Courtroom Deputy Jennifer Jones after the jury is selected. Questionnaires are confidential and may not be retained by any party.

• Voir Dire

Judge Beatty conducts preliminary voir dire which includes many of the basic questions such as residence, employment, and prior jury service. After Judge Beatty concludes preliminary questioning, each party may participate in voir dire separately. Counsel may also submit proposed voir dire questions in writing to Judge Beatty up until the day before trial begins. Counsel also may request that Judge Beatty question jurors on certain issues which a party would rather the Judge ask instead of counsel. In its discretion, the Court may conduct the voir dire without participation of counsel.

• Selection Methodology

The jury is selected outside the presence of the venire, in open court. Challenges for cause are entertained first. Then the parties will be permitted to caucus privately before the process begins for exercising peremptory challenges.

Generally, each side is given 3 peremptory strikes. Plaintiff goes first on oddnumbered jurors, and Defendant goes first on even-numbered jurors. Backstriking is **not allowed**. If there are multiple plaintiffs or defendants, the parties may move for additional strikes, and the Court in its discretion will consider the request. In its discretion, the Court may allow additional peremptory challenges if the size of the venire permits, after challenges for cause have been determined. Typically, in civil cases, six jurors and two alternates will be chosen, and all remaining at the end of closing arguments will participate in deliberations pursuant to Federal Rule of Civil Procedure 48.

• Jurors

Jurors are permitted to take notes during trial and may refer to them during deliberations. Jurors are paid a \$50 attendance fee and reimbursed for travel to the courthouse. See the court's web-site at <u>www.ilsd.uscourts.gov</u> for information/specifics.

• Assessment of Jury Costs

Local Rule 54.1 allows the Court to assess juror costs (including per diem and mileage expenses) against one or more parties, if they failed to advise the Court of the settlement of a case prior to 3:00 p.m. on the last full business day before trial was scheduled to commence. The Court strives to keep juror costs down, and assessment of costs will be considered if a jury is brought in unnecessarily. Nonetheless, the parties are strongly encouraged to pursue settlement up to and throughout the trial.

Trial Procedure (Non-Prisoner Civil Cases)

• Trial Dates

Judge Beatty assigns newly filed or removed non-prisoner civil cases a **presumptive trial month**. Continuances of the presumptive trial month will be given only in exceptional circumstances.

By Notice issued a few months before the presumptive trial month, a Final Pretrial Conference will be scheduled approximately 30 days before the first day of the presumptive trial month. At the Final Pretrial Conference, Judge Beatty will give the case a **firm trial date**. No motions to continue will be considered after the firm trial date is assigned.

• Trial Hours

Trials generally begin at 9:00 a.m., although a different time may be specified by Order or Notice in a given case.

Especially as to *jury* trials, the Court makes every effort to conclude each day by 4:30 p.m. In trials that proceed 9:00 a.m. to 4:30 p.m. daily, an hour lunch break is taken around noon. Typically, one 15-minute morning break and at least one 15-minute afternoon break will be taken. Motions, jury instruction conferences, and other matters may be handled with counsel **prior to 9:00 a.m. or after 4:30 p.m.**, as directed by Judge Beatty.

• Attorney Availability During Jury Deliberation

Counsel must give the Courtroom Deputy Clerk a telephone number where they can be reached when the jury indicates it has reached a verdict or has a question. Counsel should be able to arrive in the courtroom within 10 minutes after being contacted.

• Post-Verdict Juror Interviews

Counsel may not question jurors after a verdict has been reached, without prior approval of Judge Beatty.

• Courtroom Audio System

An audio/video system in Judge Beatty's courtroom transmits live audio from the courtroom to Judge Beatty's chambers. Attorneys, witnesses, and anyone attending court proceedings should be aware that, unless the microphones near them are deactivated, their statements may be heard in chambers.

Jury Instructions

Unless this deadline is altered by an Order entered by Judge Beatty in a specific case, the parties must submit their entire set of proposed jury instructions in Microsoft Word format to the Court **no later than one business day prior to trial.** Jury instructions *are not* filed with the Clerk of Court. **Rather, they are submitted to Judge Beatty's chambers via email message to** <u>MABpd@ilsd.uscourts.gov</u>.

Each instruction should be marked to designate the party offering the instruction (*e.g.*, "Plaintiff's Instruction No. 1") and the source of the instruction (*e.g.*, "Seventh Circuit Pattern Instruction No. 1.01"). Plaintiff is primarily responsible for the burden of proof instructions, the damage instructions, the verdict instructions, and the verdict forms. Defendant is primarily responsible for the cautionary instructions. *The parties should work together in an effort to produce one set of proposed instructions.* If the parties are unable to agree on certain instructions, each party may submit a version of the contested instructions.

The Court will compile a packet of proposed final instructions and give the instructions to the parties during trial before a formal jury instruction conference is held. It is not necessary to submit both "marked" and "clean" instructions. Once the final set of instructions has been approved, the Court will remove the annotations from the instructions. Each juror will receive a copy of the final instructions.

In non-diversity cases, the Court prefers the Seventh Circuit Pattern Jury Instructions. In cases where the Court sits in diversity, the Seventh Circuit Pattern Jury Instructions should be used for the preliminary and cautionary instructions, and the IPI or comparable state instructions will be used for the substantive law.

Bill of Costs

Federal Rule of Civil Procedure 54(d)(1) provides that costs (other than attorneys' fees) shall be allowed "as of course" to the prevailing party, unless the District Court otherwise directs. Rule 54(d)(1) further provides that such costs may be taxed by the Clerk of Court "on 14 days' notice." Pursuant to Local Rule 54.2, opposing counsel will be allowed 14 days (from the date the Bill of Costs is filed in this Court) to file any objections. If no objections are filed within that 14-day period, the Clerk of Court will tax the appropriate costs. If objections are timely-filed, the matter will be reviewed and resolved by Judge Beatty.