



Magistrate Judge Reona J. Daly

Case Management Procedures

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Rule 16 Conferences

Attorneys must confer and submit a Joint Report prior to the scheduled conference. The parties should use the appropriate form for the Joint Report (depending on whether the case has been referred for mediation) found on the Court's website in the "Local Rules & Forms" section. The report must be jointly submitted as one report. The conference will occur even though the joint report has been timely submitted unless an Order directs otherwise.

Discovery Disputes

Motions to Compel are disfavored. Discovery disputes are handled telephonically without written motions or briefs. When a discovery dispute arises that the parties are unable to resolve informally, the party seeking discovery shall email RJDpd@ilsd.uscourts.gov to alert chambers to the dispute, attaching any documents pertinent to the dispute.

Correspondence from counsel containing arguments is neither helpful nor desired. The parties may submit, without argument, citations to any binding authority relevant to the dispute. Discovery disputes are regularly resolved within a week of occurrence. The Court will order briefing, if necessary.

Disputes which arise during depositions should be addressed immediately via a phone conference. Chambers staff can be reached at 618-439-7750.

Daubert Motions deadline

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

Final Pretrial Conference Deadlines

Pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(3) must be filed **30 days before the first day of trial**. Objections are due **14 days** after the disclosures are made.

Motions in limine must be filed **21 days before the final pretrial conference**. Responses to motions in limine are **due 14 days after the motion is filed**.

When time allows, Judge Daly will hear argument on motions in limine at the Final Pretrial Conference, or she may schedule a separate hearing on motions in limine. Given the nature of motions in limine, failure to file motions by the deadline generally will not prejudice a party's ability to move in limine before the jury is impaneled. Later-filed motions, however, may be stricken if their consideration would delay the start of trial.

The draft final pretrial order shall be e-mailed to RJDpd@ilsd.uscourts.gov three business days before the final pretrial conference.

The parties shall disclose the names of witnesses in the Final Pretrial Order. The list of witnesses in the Final Pretrial Order will 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 potential jurors.

Judge Daly's preferred Final Pretrial Order can be found [here](#). The Court expects adherence to the rule requiring cooperation between the parties for completion of the Final Pretrial Order. The parties can also email Courtroom Deputy Jamie Melson at Jamie_Melson@ilsd.uscourts.gov to obtain a Microsoft word version of the final pretrial order.

The draft exhibit list shall also be e-mailed to RJDpd@ilsd.uscourts.gov three business days before the final pretrial conference.

A Microsoft word version of the exhibit list can be found [here](#). The parties can also email Courtroom Deputy Jamie Melson at Jamie_Melson@ilsd.uscourts.gov to obtain a Microsoft word version of the exhibit list.

Prior to the final pretrial conference, parties are expected to have their exhibit lists evaluated by opposing parties to determine potential admissibility issues. If counsel expects any novel or particularly difficult legal issues which will require extensive arguments outside the presence of the jury, counsel shall advise the Court at the final pretrial conference. Counsel should bring all disputed exhibits to the final pretrial conference. If time permits, the Court will hear argument at the final pretrial conference regarding the disputed exhibits.

All exhibits should be pre-marked with numbers only 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 1, Defendant's Exhibit 2, 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).
- Do not designate any exhibits as "group" exhibits.
- Designate multiple page exhibits with one exhibit number, using page numbers for further identification (e.g., Plaintiff's Exhibit 1, page 1).

- Whenever a multiple page exhibit exceeds 20 pages, the party offering the exhibit shall identify the specific pages within that exhibit he/she/it intends to offer as part of his/her/its case in chief. This issue generally arises when one party designates medical and/or prison grievance records as an exhibit. As an example, it is not acceptable for one party to simply designate 100 pages of medical records when only 10 pages are relevant for trial.
- Do not group sets of multiple photographs. Give each photograph a separate exhibit number.

Trial Deadlines

The finalized Exhibit List shall be e-mailed to Courtroom Deputy Jamie Melson via email at Jamie_Melson@ilsd.uscourts.gov two business days before trial.

Whenever possible, have photocopies of an exhibit for the Court and opposing counsel. Documents and other exhibits, where practical, shall be tagged and marked as exhibits and shown to opposing counsel before their use in court. Ordinarily, exhibits should be offered in evidence when they become admissible rather than at the end of counsel's case. When counsel or witnesses refer to an exhibit, mention should also be made of the exhibit number so that the record will be clear.

Where maps, diagrams, pictures, etc., are being used as exhibits, and locations or features on such documents are being pointed out by witnesses or counsel, such locations should be indicated by appropriate markings on the document if not readily apparent from the documents themselves. Unnecessary markings should be avoided. Markings on exhibits should only be made after receiving the Court's permission to do so.

Do not assume that the Court will allow any exhibits to be passed among jurors. Absent extraordinary circumstances, publication occurs via technology, e.g., the Court's ELMO document camera or by connecting counsel's laptop to the Courtroom screens.

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

Specific questions about preparing the exhibit list should be directed to the Courtroom Deputy, Jamie Melson, by email message to Jamie_Melson@ilsd.uscourts.gov or raised at the Final Pretrial Conference.

During the course of the trial, each counsel is responsible for any exhibits that he/she secures from the Clerk. At each noon-time or end-of-the-day adjournment, return all exhibits to the Clerk. Exhibits will be returned to the

parties at the end of the trial, and the parties are responsible for maintaining them.

Proposed jury instructions should be e-mailed to RJDpd@ilsd.uscourts.gov two business days before trial.

Seventh Circuit Pattern Instructions should be used when available and appropriate. Whenever the Seventh Circuit Pattern Instructions do not contain an instruction on a subject, the parties shall propose an instruction that is simple, brief, impartial, and free from judgment.

As a matter of course, the following Seventh Circuit Pattern Instructions will be prepared by the Court and given as necessary, depending upon the evidence and arguments made at trial: 1.01, 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.17, 1.18, 1.21, 1.25, 1.27, 1.31, 1.32, 1.33, 1.34. The parties should not include these instructions with the ones they submit unless they seek deviation from the pattern instruction.

Each instruction should be marked to designate the party offering the instruction (*e.g.*, “Parties’ Joint Instruction No. 1” or “Plaintiff’s Instruction No. 1”) and the source of the instruction (*e.g.*, “Seventh Circuit Pattern Instruction No. 5.03”). **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 his/her/its version of the contested instruction.

An informal jury instruction conference will generally be held at the end of the first day of trial. A formal jury instruction conference will typically be held the morning of the last day of trial. The Court will compile a packet of final instructions and give the instructions to the parties during trial, after the 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.

The final Witness List shall be e-mailed to Courtroom Deputy Jamie Melson via email at Jamie_Melson@ilsd.uscourts.gov by 12:00 noon one business day before trial.

Trial Procedure

Jury Questionnaires

Jury questionnaires are completed by each member of the venire 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 Jamie Melson after the jury is selected. Questionnaires are confidential and

may not be retained by any party.

Voir Dire

Judge Daly conducts preliminary voir dire which includes many of the basic questions such as residence, employment, and prior jury service. Counsel may also request that Judge Daly question jurors on sensitive issues that a party would rather the Judge ask instead of counsel. After Judge Daly concludes preliminary questioning, each party may participate in voir dire separately. A time limit will be imposed. 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 each side is given 3 peremptory strikes. The Court will alternate between the parties. Typically, in civil cases, six jurors and one or two alternates will be chosen depending on the anticipated length of the trial, and all remaining at the end of closing arguments will participate in deliberations pursuant to Federal Rule of Civil Procedure 48.

Trial Hours

Trial generally begins 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 and other breaks will be taken as appropriate. Motions, jury instructions 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 Daly.

Attorney Availability during Jury Deliberation

Counsel must give the Courtroom Deputy 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.

Technology

It is strongly recommended that you communicate with the Court's IT department regarding your evidence presentation intent **prior** to your court appearance. Counsel can call Courtroom Deputy Jamie Melson at 618-439-7754 and coordinate contact with the IT department.