District Local Rule Civ 16.3 (Civil)

TRIAL SUBMISSIONS

(a) **Trial Submissions.** Unless otherwise ordered, the parties must, not less than thirty (30) calendar days prior to the date on which the trial is scheduled to commence, provide to the other parties and *promptly file with the Court* the following information regarding evidence that it may present at trial, other than solely for impeachment:

(1) The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises;

(2) The designation of those witnesses whose testimony is expected to be presented by means of a deposition and a transcript of the pertinent portions of the deposition testimony;

(3) An appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.

(b) **Trial Memorandum and Objections to Trial Submissions.** Within fourteen (14) calendar days before the scheduled trial date, each party shall serve and *promptly file with the Court* a trial memorandum, not to exceed twenty (20) pages, which should discuss the party's position, with supporting arguments and authorities, and any significant legal or evidentiary issues. The trial memorandum should contain a separate section that clearly states the objections to the other parties' trial submissions, including:

(1) Any objection to the use under Federal Rule of Civil Procedure 32(a) of a deposition designated by another party.

(2) Any objections, together with the grounds therefor, that may be made to the admissibility of materials identified as exhibits by the opposing party.

Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403, shall be deemed waived unless excused by the Court for good cause shown.

(c) **Response to Trial Memoranda.** Within seven (7) days, a party may file a response memorandum, not to exceed ten (10) pages, to the opposing parties' trial memoranda, particularly addressing objections to trial submissions.

(d) **Ruling on Objections to Trial Submissions.** The listing of a potential objection does not constitute the making of that objection or require the Court to rule on the objection; rather, it preserves the right of the party to make the objection when, and as appropriate, during trial. However, this does not preclude any party from filing a motion in limine as to any particular item of evidence prior to trial.

(e) **Voir Dire and Jury Instructions.** In jury cases, serve and file proposed voir dire and jury instructions and form of verdict in conformance with Dist. Idaho Loc. Civ. R. 47.1 and 51.1.

(f) **Exhibit Lists.** All parties must furnish a list of their intended trial exhibits. A standard form may be obtained from the Court's website. In addition to physical and documentary exhibits, this list will include any deposition or document containing answers to interrogatories and requests for admissions to be offered or used in trial. The completed exhibit list must contain a brief description of each intended trial exhibit. To the extent possible, exhibits are to be listed in the sequence in which the parties propose to offer them. No exhibit is to be assigned a number without first contacting the Clerk. After assignment of numbers, the exhibit list is to be furnished to the opposing party or parties and three copies submitted to the Clerk. Unless electronically submitted or otherwise agreed among counsel or ordered by the Court, each party must also prepare and provide sufficient copies of their documentary exhibits to the opposing party or parties. Additionally, each party must present the Clerk with an original and two copies of their documentary trial exhibits. All copies must be presented in a notebook or bound with metal paper fasteners and tabulated for marking.

RELATED AUTHORITY

Fed. R. Civ. P. 16, 26(a)(3)