

United States District Court

Southern District of Illinois

750 Missouri Avenue

P. O. Box 249

East St. Louis, Illinois 62202

JAMES L. FOREMAN
CHIEF JUDGE

STUART J. O'HARE
CLERK OF COURT

March 19, 1992

Mr. Abel Mattos
Chief, Court Program Branch
Administrative Office of the
United States Courts
Washington, D.C. 20544

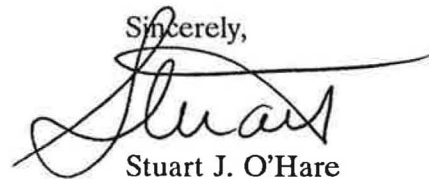
Dear Abel:

Thanks for your kind words. I relayed them to my CJRA analyst, and he too was very appreciative.

I thought you might like to see our internal paper-flow chart and forms that we designed to accommodate the various mandates of our CJRA Delay and Expense Reduction Plan.

Look forward to seeing you at the next Clerk's Conference, and until then please take care of yourself.

Sincerely,



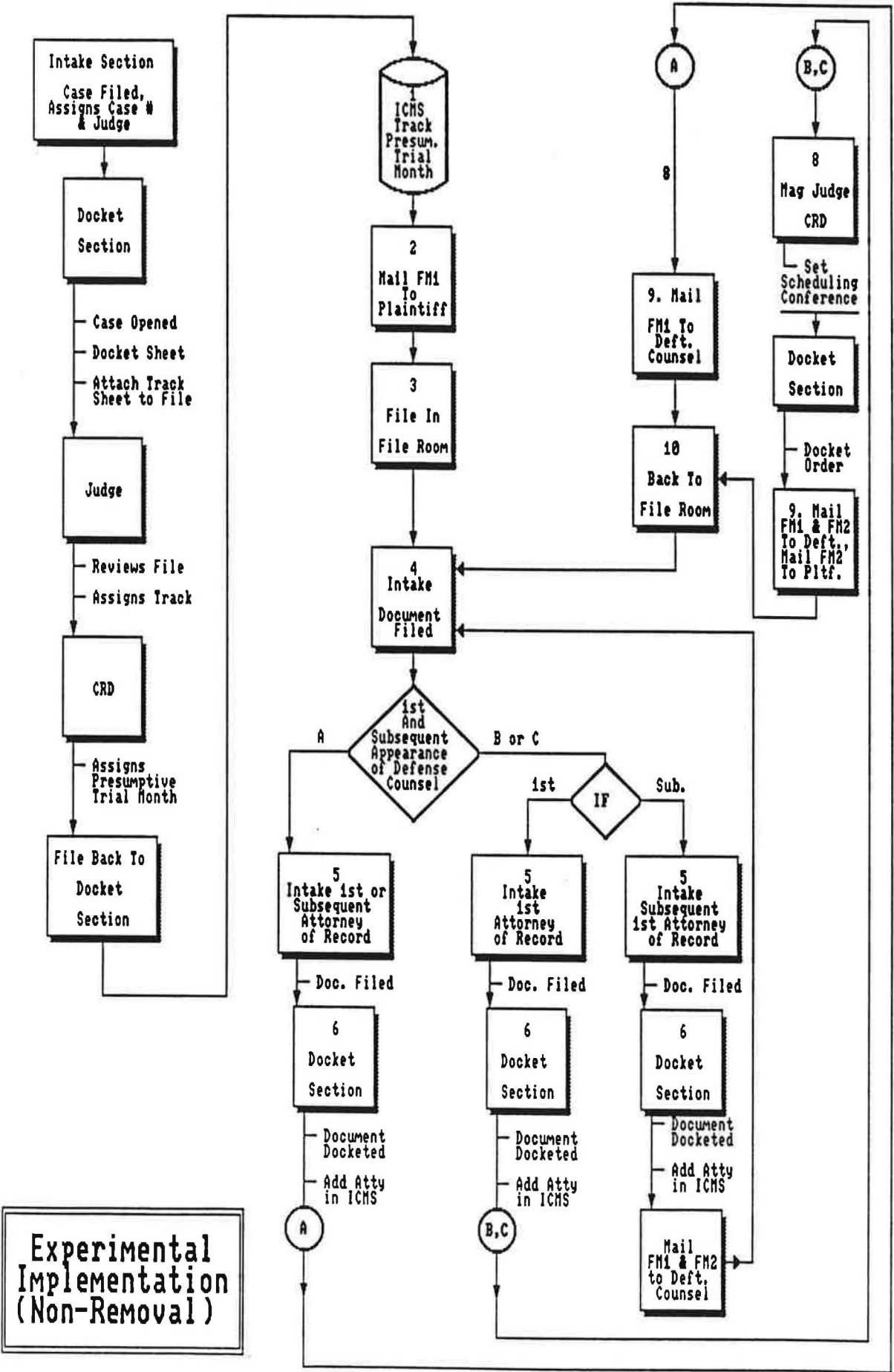
Stuart J. O'Hare
Clerk of Court

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Enclosures

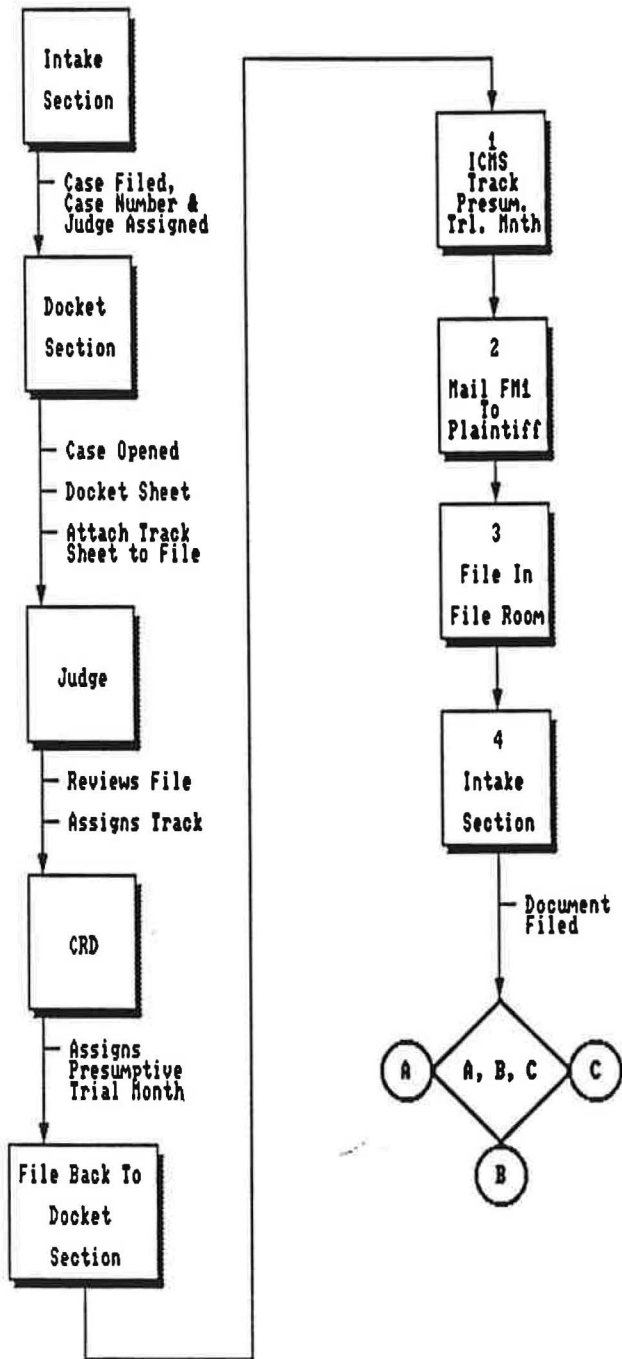
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ADMINISTRATIVE OFFICE
OF THE U.S. COURTS
DIVISION OF ADMINISTRATION

CJRA Case Tracking, Basic Paper Flow - Clerk's Office



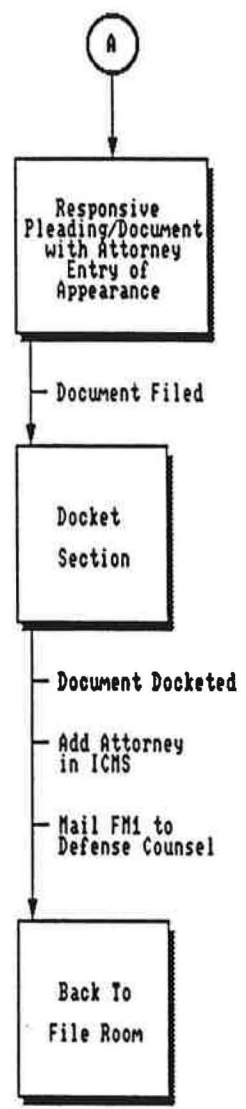
Experimental Implementation (Non-Removal)

CJRA Case Tracking, Basic Paper Flow - Clerk's Office

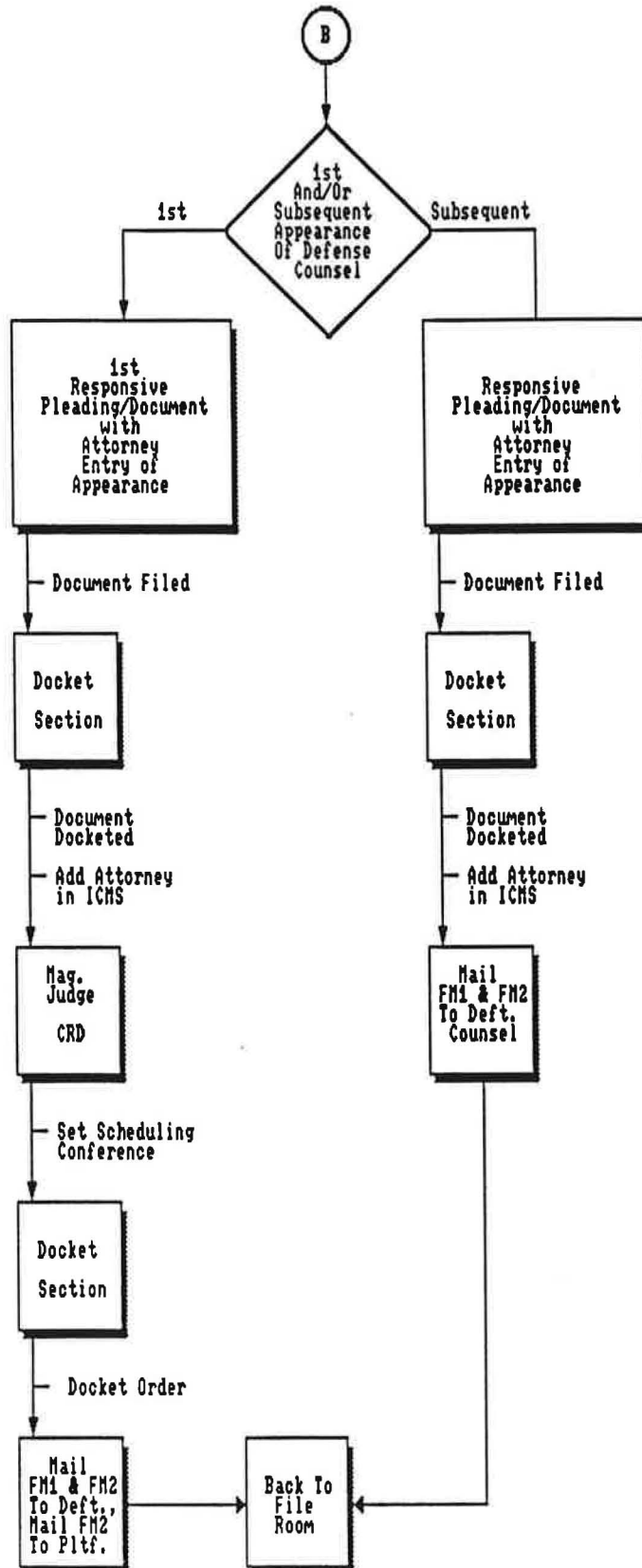


**Experimental
Implementation
(Non-Removal Cases)**

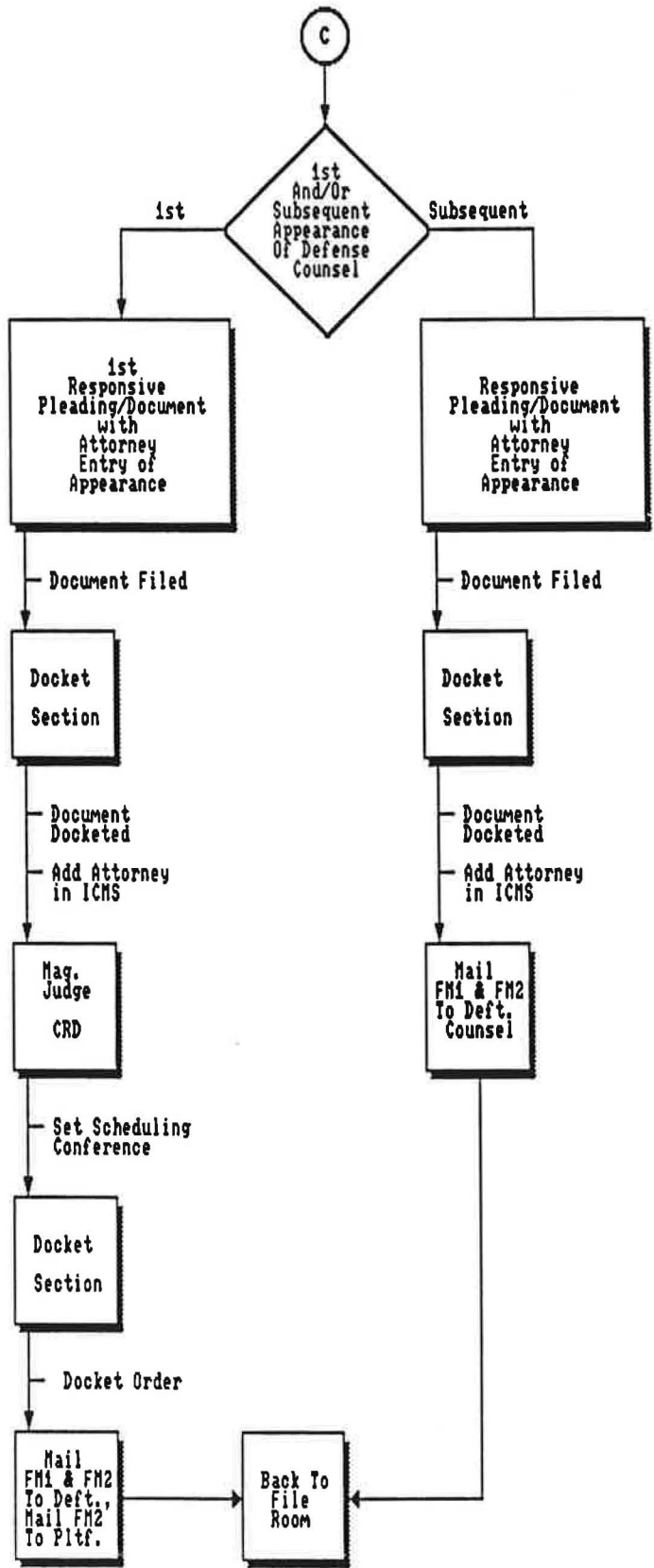
Track "A" Continuation



Track "B" Continuation



Track "C" Continuation



**FORMS TO
PLAINTIFF UPON FILING**

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

)	
)	
)	
Plaintiff(s),)	CASE NO.
)	
vs.)	CJRA TRACK
)	
)	PRESUMPTIVE TRIAL MONTH:
)	
)	
Defendant(s).)	

UNIFORM TRIAL PRACTICE AND PROCEDURES

In conformity with the Civil Justice Reform Act of 1990, and in compliance with the Civil Justice Expense and Delay Reduction Plan adopted by this Court, the following uniform procedures will apply to all civil cases filed in the Southern District of Illinois.

SCHEDULING PRACTICE

A presumptive trial date has been assigned to this case as noted above. Trial settings and other scheduling will vary depending on a track classification which was assigned to the case at the time of filing by the trial judge to whom the case is assigned. There are three tracks, "A", "B" and "C". "A" cases are set for trial between six (6) and eight (8) months after the date of filing; "B" cases ten (10) to twelve (12) months after the date of filing, and "C" cases thirteen (13) to sixteen (16) months after the date of filing.

All track "B" and "C" cases will be set for a scheduling and discovery conference before a Magistrate Judge within thirty (30) days after the first appearance of a defendant in cases filed, removed or transferred to this district. *Local Rule No. 13(b)*.

All track "B" and "C" cases will be set for a settlement conference before a judicial officer other than the judge assigned to try the case within forty-five (45) days after the discovery cut-off date. *Local Rule 13(c)*.

A final pre-trial conference will be held by the trial judge at least seven (7) days prior to the first day of the presumptive trial month. *Local Rule 13(d)*.

DISCOVERY PRACTICE IN ALL CASES

The cut-off date for all discovery, including experts and third parties, shall be no later than four (4) months prior to the first day of the month of the presumptive trial date. The specific cut-off date for this case will be set at the time of the initial scheduling conference.

The attached interrogatories shall be answered or responded to, and served upon each party within twenty (20) days after entry of an appearance. *Local Rule 14*. The answers or responses are not to be filed with the Clerk of Court. *Local Rule 16*. This discovery, of course, will be supplemented by the parties, depending on the nature of the case and any limitations placed on discovery at the scheduling conference.

Disclosure of experts and discovery with reference to experts and other discovery dates will be scheduled at the time of the initial scheduling conference.

MOTION PRACTICE

Motions for leave to amend pleadings, for extension of time, for voluntary dismissal, to compel answers to interrogatories, completion of production, and other motions customarily disposed of without briefing or argument may be submitted to the court by mail addressed to the Clerk, accompanied by an appropriate order on a separate letter-sized sheet. All other motions, specifically motions to dismiss, to strike, to make more definite, for judgment on the pleadings, for summary judgment, and all post-trial motions, shall be filed with the Clerk together with a supporting brief and proposed order. Briefs shall be no longer than twenty (20) typewritten pages. Any adverse party shall have ten (10) days after the service of the movant's brief in which to file and serve an answering brief and proposed order. There will be no oral arguments on motions in civil cases except by specific order of the Judge to whom the motion is assigned. Motions will be ruled on within forty-five (45) days of the due date of the answering brief. *Local Rule 6*.

THIRD PARTY PRACTICE

The deadline for adding additional parties or for filing cross-claims or third-party complaints will be fixed at the scheduling conference.

COURT'S INTERROGATORIES

Plaintiff(s) is required to serve its answers to these interrogatories upon each defendant within twenty (20) days after the appearance of counsel for that defendant. Each defendant shall serve its answers to the interrogatories upon every other party within twenty (20) days of defense counsel's entry of appearance.

1. List the name and last known address of each person reasonably likely to have information that bears significantly on the claims and defenses, identifying the subjects of the information.

2. Give a general description, including location, of all documents, photographs, data, compilations, and tangible things in your or your client's possession, custody, or control that are likely to bear significantly on your claims and/or defenses. ¹

3. List any insurance policies or agreements, including name of insurance company and policy limits, under which any person or entity carrying on an insurance business may be liable for part or all of the judgment that may be entered in the action.

The answers or responses to the Court's Interrogatories are not to be filed with the Court.

FOR THE COURT

**Stuart J. O'Hare
Clerk of Court**

¹ To be supplemented as additional items come to your knowledge.

**FORMS TO
EACH DEFENDANT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

)	
)	
)	
Plaintiff(s),)	CASE NO.
)	
vs.)	CJRA TRACK
)	
)	PRESUMPTIVE TRIAL MONTH:
)	
)	
Defendant(s).)	

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1. List the name and last known address of each person reasonably likely to have information that bears significantly on the claims and defenses, identifying the subjects of the information.

2. Give a general description, including location, of all documents, photographs, data, compilations, and tangible things in your or your client's possession, custody, or control that are likely to bear significantly on your claims and/or defenses. ¹

3. List any insurance policies or agreements, including name of insurance company and policy limits, under which any person or entity carrying on an insurance business may be liable for part or all of the judgment that may be entered in the action.

The answers or responses to the Court's Interrogatories are not to be filed with the Court.

FOR THE COURT

**Stuart J. O'Hare
Clerk of Court**

¹ To be supplemented as additional items come to your knowledge.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

)	
)	
)	
)	
Plaintiff,)	NO.
)	
vs.)	
)	PRESUMPTIVE TRIAL MONTH:
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)	
)	
Defendant.)	

NOTICE TO COUNSEL

Pursuant to Local Rule 8, the above-styled cause has been assigned as a "Track ___" case. Therefore, you are hereby placed on notice that a presumptive trial month has been set as indicated above.

Local Rule 13(b), calls for an initial pre-trial scheduling and discovery conference, which is hereby set before [insert name of judicial officer, date, time and place]. The purposes of this conference are:

1. To discuss the possibility of settlement;
2. To discuss the possibility of using a voluntary alternative dispute resolution device (e.g., mediation, arbitration, summary jury trial, mini-trial) to resolve the dispute;
3. To discuss the complexity of the case and, if it is tried, the approximate number of days necessary to complete the testimony;
4. To confirm the presumptive date for the trial (*See Local Rule 8(a)*);
5. To set a cut-off date for completion of all discovery including experts' discovery (or in the case of extraordinarily complex cases, the cut-off date for completion of core discovery) which date shall be no later than 120 days before the first day of the month of the presumptive trial date;
6. To establish a plan for the management of discovery in the case, including any limitations on the use of the various discovery devices that may be agreed to by the parties, ordered by the judicial officer presiding over the conference, or required by Local Rule (See Rule 15 of the Local Rules of this Court restricting a party to twenty interrogatories, except by leave of Court) and requirements as to disclosures and scheduling of discovery relating to expert witnesses;

7. To formulate, simplify and narrow the issues;
8. To discuss and set deadlines for amendments to the pleadings including the filing of third party complaints, which deadline shall be no later than ninety days following this conference;
9. To discuss the filing of potential motions and a schedule for their disposition, including the cut-off date for filing dispositive motions.
10. To set the approximate date of the settlement conference (*See Local Rule 13*);
11. The approximate date of the final pre-trial conference (*See Local Rule 13*);
12. To consider the advisability of referring various matters to a Magistrate Judge or a Master;
13. To discuss the advisability of one or more additional case management conferences prior to the final pre-trial conference; and
14. To cover any other procedural issues that the judicial officer hearing the case determines to be appropriate for the fair and efficient management of the litigation.

(Note: If there are other issues the judicial officer feels should be discussed, they can be included here).

The attached Scheduling and Discovery Order, consented to and signed by an attorney of record for each party shall, at the discretion of the assigned judicial officer, be deemed to satisfy the requirements of Local Rule 13(b)(1) through (5).

All actions taken at the initial pre-trial scheduling and discovery conference will be incorporated into a pre-trial scheduling and discovery order, which shall be modified only by order of the Court.

Dated at [ESL or BTN], Illinois, this _____ day of _____, 1992.

Stuart J. O'Hare
Clerk of Court

By: _____
Deputy Clerk

4. Depositions of expert witnesses must be taken by:

Plaintiff's expert(s) _____

Defendant's expert(s) _____

Third party expert(s) _____

5. Third party actions must be commenced by _____.

Cross-claims and counterclaims shall be filed according to the Federal Rules.

6. Discovery shall be completed by _____.

Any written interrogatories or request for production served after the date of this Order shall be served by a date that allows the served parties the full thirty (30) days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

7. A settlement conference will be set by further order of the Court.

8. All dispositive motions shall be filed by _____.

No dispositive motions filed after this date will be considered by the Court.

9. A final pre-trial conference is set for _____

at _____

_____ before the trial judge.

10. As initially set by the Court, the presumptive trial month is _____.

A specific trial week will be assigned at the final pre-trial conference.

11. _____

Dated: _____

UNITED STATES MAGISTRATE JUDGE

Approved as to Form and Substance:

ATTORNEY FOR PLAINTIFF(S)

ATTORNEY FOR DEFENDANT(S)

INSTRUCTIONS FOR PREPARING FINAL PRE-TRIAL ORDER

1. Although primary responsibility for the preparation of the Final Pre-trial Order lies with the plaintiff's attorney, full cooperation and assistance on the part of the defendant's attorney is expected and required.
2. The parties are directed to stipulate to the authenticity of exhibits and shall indicate in the Final Pre-trial Order those exhibits to which authenticity has not been stipulated and specific reasons why not.
3. The Final Pre-trial Order should be submitted to the Court in duplicate on the date designated as the date of the Final Pre-trial Conference or as otherwise directed by the Court.
4. Failure to comply with the substance or intent of these instructions may result in appropriate sanctions pursuant to **Federal Rule 16 or 37** and **28 U.S.C. §1927**, among others.
5. The Court greatly appreciates any and all efforts on the part of counsel to be brief and concise in preparing pre-trial memoranda.

- B. The jurisdiction of the Court is not disputed (or, if the issue has not previously been raised, the basis on which jurisdiction is contested).
 - 1. If not disputed, state the statutory, constitutional or other basis of jurisdiction.

III. UNCONTROVERTED FACTS

The following facts are not disputed or have been agreed to or stipulated to by the parties:

(This section should contain a comprehensive statement of the facts which will become a part of the evidentiary record in the case and which, in jury trials, may be read to the jury.)

IV. AGREED-TO ISSUES OF LAW

The parties agree that the following are the issues to be decided by the Court:

V. WITNESSES (Including those to testify by deposition)

- A. List of witnesses the plaintiff expects to call, including experts.
 - 1. Expert witnesses.
 - 2. Non-expert witnesses.
- B. List of witnesses defendant expects to call, including experts:
 - 1. Expert witnesses.
 - 2. Non-expert witnesses.
- C. If there are any third parties to the action, they should include an identical list of witnesses as that contained in parts A and B above.
- D. Rebuttal Witnesses. Each of the parties may call such rebuttal witnesses as may be necessary, without prior notice thereof to the other party.

VI. EXHIBITS

Each party is to submit an exhibit list containing the following information:

- A. The following exhibits were offered by the plaintiff(s), received in evidence, and marked as follows:

(Identification number and brief description of each exhibit.)

- B. The following exhibits were offered by plaintiff(s) and marked for identification.

There was reserved to the defendant(s) the right to object to their receipt in evidence on the grounds stated:

(Identification number and brief description of each exhibit. State briefly ground of objection, e.g., competency, relevancy, materiality, etc.)

- C. The following exhibits were offered by the defendant(s), received in evidence, and marked as follows:

(Identification number and brief description of each exhibit.)

- D. The following exhibits were offered by defendant(s) and marked for identification. There was reserved to the plaintiff(s) the right to object to their receipt in evidence on the grounds stated:

(Identification number and brief description of each exhibit. State briefly ground of objection, e.g., competency, relevancy, materiality, etc.)

VII. DAMAGES

An itemized statement of all damages, including special damages.

VIII. BIFURCATED TRIAL

Indicate whether the parties desire a bifurcated trial and, if so, why.

IX. TRIAL BRIEFS

Trial briefs should be filed with the Court at the Final Pre-Trial Conference on any difficult factual or evidentiary issue and also set forth a party's theory of liability or defense.

X. LIMITATIONS, RESERVATIONS AND OTHER MATTERS

- A. **Trial Date.** Trial of this cause is set for the week of _____.

- B. **Length of Trial.** The probable length of trial is _____ days. The case will be listed on the trial calendar to be tried when reached.

Mark appropriate box: Jury
 Non-Jury

- C. **Number of Jurors.** There shall be a minimum of six jurors.

- D. **Jury Voir Dire.** The Court will conduct voir dire. If voir dire questions are to be tendered, they should be submitted with the Final Pre-trial Order.

E. Motions in Limine. All motions in Limine shall be filed no later than the final pre-trial conference. Responses, if any, shall be filed within five (5) days thereafter.

IT IS ORDERED that this Final Pre-trial Order may be modified at the trial of the action, or prior thereto, to prevent manifest injustice or for good cause shown. Such modification may be made either on application of counsel for the parties or on motion of the Court.

DATED: _____

UNITED STATES DISTRICT JUDGE

Approved as to Form and Substance:

ATTORNEY FOR PLAINTIFF(S)

ATTORNEY FOR DEFENDANT(S)

NOTE: Where a third-party defendant is joined pursuant to Rule 14(a) of the Federal Rules of Civil Procedure, the Pre-trial Order may be suitably modified. The initial page may be modified to reflect the joinder. List attorney's name, address, and telephone number.

INSTRUCTIONS FOR PREPARING JURY INSTRUCTION ORDER

1. Primary responsibility for preparing a Jury Instruction Order rests with the plaintiff.
2. All parties are required to review each other's instructions and prepare a Jury Instruction Order.
3. Each party shall submit a proposed Jury Instruction order, together with two sets of proposed instructions, no later than the scheduled trial date.
4. Each party shall submit one set of proposed original instructions, without designation or number, and one set of numbered instructions indicating the party proposing them. It is strongly suggested that the parties attempt to agree on as many instructions as possible and eliminate duplicate instructions.
5. Illinois Civil Pattern Jury Instructions shall be used unless they do not accurately state the law.
6. The Jury Instruction Order must be prepared in accordance with the attached example. The party must list the authority for each proposed instruction. The opposing party should indicate whether or not there is any objection to the instruction.
7. Objections must be briefly explained with citation to relevant authority. A mere "objection" without citation or explanation is unacceptable. Opposing parties should prepare an alternate instruction to any instruction objected to, unless the party feels no instruction is necessary. Reference to the proposed alternate instruction should be listed with the objection.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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)	
)	
Plaintiff(s),)	
)	
vs.)	NO. _____
)	
)	
)	
Defendant(s).)	

JURY INSTRUCTION ORDER

This matter comes before the Court for ruling on proposed jury instructions.

<u>PROPOSED INSTRUCTION</u>	<u>AUTHORITY</u>	<u>OBJECTION (WITH CONTRA AUTHORITY)</u>	<u>RULING</u>
Plaintiff's #1	IPI 1.01	None	
Plaintiff's #2	IPI 2.06	Depends on the evidence	
Plaintiff's #3	IPI 41.03; <u>Steinburg v. Chicago Medical School</u> , 69 Ill.2d 320, 371 N.E.2d 634, 641 (1977) (case states elements of fraud).	Plaintiff's instruction omits justifiable reliance as an element of fraud. See <u>Soules v. General</u> , 79 Ill.2d 282, 402 N.E.2d 599, 601 (1980). See Defendant's proposed #2.	

Defendant's #1	IPI 7.02	None	
Defendant's #2	Devitt & Blackmar Fed. Jury Instructions 83.02 & see objections to Plaintiff's #3.	See Plaintiff's #3 which correctly states the law. Defendant's instruction is not IPI.	

DATED: _____

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

UNITED STATES DISTRICT JUDGE