

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Daniel D. Domenico**

Civil Action No. 1:18-cv-01897-DDD-NYW

ADVANCE TRUST & LIFE ESCROW SERVICES, LTA, as securities intermediary for Life Partners Position Holder Trust, on behalf of itself and all others similarly situated,

Plaintiff,

v.

SECURITY LIFE OF DENVER INSURANCE COMPANY,

Defendant.

AMENDED TRIAL PREPARATION ORDER

The parties' Joint Motion to Amend Trial Preparation Order (Doc. 160) is GRANTED IN PART. Pursuant to the Federal Rules of Civil Procedure and the Local Rules of Practice for the United States District Court for the District of Colorado, it is ORDERED that:

1. The ten-day jury trial set to commence on February 6, 2023 is VACATED, and a **five-day jury trial** is RESET to commence at **9:00 a.m. on February 13, 2023** in Courtroom A 1002 of the Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, CO 80294;

2. The Final Pretrial Conference set for January 11, 2023 is VACATED and RESET for **2:30 p.m. on January 19, 2023** in Courtroom A 1002; and

3. The Trial Preparation Conference set for February 1, 2023 is VACATED and RESET for **12:30 p.m. on February 9, 2023** in Courtroom A 1002.

It is FURTHER ORDERED that the following tasks must be completed by the date indicated. The Court adopts the parties' proposed amended deadlines with minor adjustments. Except as otherwise stated in this Order, the form and content of the parties' pretrial disclosures and objections must comply with Federal Rule of Civil Procedure 26(a)(3).

Date	Task
Seven weeks before the Final Pretrial Conference	<p><i>Plaintiff's Side</i> <i>Disclose Deposition Designations</i> <i>Fed. R. Civ. P. 26(a)(3)(A)(ii)</i></p> <p>The plaintiff's side must serve on the defendant's side a disclosure identifying the page and line numbers of any witness testimony it expects to offer by deposition, accompanied by a copy of each such witness's deposition transcript with the designated portions highlighted in yellow. Do not file this disclosure via CM/ECF.</p>
Six weeks before the Final Pretrial Conference	<p><i>Defendant's Side</i> <i>Disclose Deposition Designations</i> <i>Fed. R. Civ. P. 26(a)(3)(A)(ii)</i></p> <p>The defendant's side must serve on the plaintiff's side a disclosure identifying the page and line numbers of any witness testimony it expects to offer by deposition, accompanied by a copy of each such witness's deposition transcript with the designated portions highlighted in blue. For deposition witnesses previously designated by the plaintiff's side, the blue highlights must be added to the yellow-highlighted transcript(s) received from the plaintiff's side. Do not file this disclosure via CM/ECF.</p>

Date	Task
Five weeks before the Final Pretrial Conference	<p><i>Plaintiff's Side</i> <i>Disclose Rebuttal Designations</i> <i>Fed. R. Civ. P. 26(a)(3)(A)(ii)</i></p> <p>The plaintiff's side must serve on the defendant's side a disclosure identifying the page and line numbers of any deposition testimony it expects to offer in rebuttal to the deposition testimony disclosed by the defendant's side, accompanied by a copy of each rebuttal witness's deposition transcript with the designated portions highlighted in green. For rebuttal witnesses previously designated by one or both sides, the green highlights must be added to the highlighted transcripts disclosed to and/or received from the defendant's side. Do not file this disclosure via CM/ECF.</p>
Five weeks before the Final Pretrial Conference	<p><i>Disclose Exhibit Lists</i> <i>Fed. R. Civ. P. 26(a)(3)(A)(iii)</i></p> <p>Each side must serve on the other a disclosure identifying each document or other exhibit it expects to or may offer at trial. Do not file these disclosures via CM/ECF. Thereafter, counsel must confer to eliminate duplicate exhibits and prepare the proposed joint exhibit list that will be filed with the Court.</p>
Four weeks before the Final Pretrial Conference	<p><i>Exchange Objections to Deposition Designations</i> <i>Fed. R. Civ. P. 26(a)(3)(B)</i></p> <p>The parties must exchange lists of any objections each side has to the deposition testimony designated by the other. Do not file these objections via CM/ECF. Thereafter, the parties must confer and make reasonable, good-faith efforts to resolve their objections.</p>

Date	Task
<p>Four weeks before the Final Pretrial Conference</p>	<p><i>Exchange Objections to Exhibits</i> <i>Fed. R. Civ. P. 26(a)(3)(B)</i></p> <p>The parties must exchange lists of any objections each side has to the exhibits disclosed by the other. Do not file these objections via CM/ECF. Thereafter, the parties must confer and make reasonable, good-faith efforts to resolve their objections.</p>
<p>Four weeks before the Final Pretrial Conference</p>	<p><i>File Proposed Jury Instructions</i></p> <p>The parties must jointly file a single integrated set of proposed jury instructions and verdict forms via CM/ECF. The parties should attempt to stipulate to the jury instructions, particularly “stock” instructions and verdict forms. Each instruction should be numbered, and same-subject disputed instructions should be grouped and numbered together (e.g., “Stipulated Instruction No. 1,” “Plaintiff’s Instruction No. 2,” “Defendant’s Instruction No. 2”). Each numbered instruction must begin on a new page. Each proposed instruction must identify the source of the instruction and supporting authority.</p> <p>The parties must also email a copy of their proposed instructions and verdict forms in editable Word format to Domenico Chambers@cod.uscourts.gov. Proposed verdict forms must be submitted in a separate file from the proposed jury instructions.</p>

Date	Task
<p>Three weeks before the Final Pretrial Conference</p>	<p><i>File Unresolved Deposition Objections</i></p> <p>Each side must file its unresolved objections with the Court. Objections should be filed in the form of a separate chart for each witness with the following columns:</p> <ul style="list-style-type: none"> (a) page and line numbers of the objected-to testimony; (b) concisely stated objection with citation to the applicable Federal Rule(s) of Evidence and any pertinent case(s) or other supporting authority. <i>Do not</i> use abbreviations or acronyms to state objections (e.g., F for lack of foundation, H for hearsay, etc.); (c) blank column for the other side's response to the objection; and (d) blank column for the Court's ruling. <p>Copies of the pertinent highlighted deposition transcripts must be filed as exhibits to the filed objections.</p> <p>Each side must also email a copy of its objection chart(s) to the other side in editable Word format.</p>

Date	Task
<p>Three weeks before the Final Pretrial Conference</p>	<p><i>File Unresolved Exhibit Objections</i></p> <p>Each side must file its unresolved exhibit objections with the Court. Objections should be filed in the form of a chart with the following columns:</p> <ul style="list-style-type: none"> (a) exhibit number; (b) brief exhibit description; (c) concisely stated objection with citation to the applicable Federal Rule(s) of Evidence and any pertinent case(s) or other supporting authority. <i>Do not</i> use abbreviations or acronyms to state objections; (d) blank column for the other side's response to the objection; and (e) blank column for the Court's ruling. <p>Electronic copies of the objected-to exhibits must be delivered to the Court on USB flash drive or submitted by email to Domenico Chambers@cod.uscourts.gov as attachments or via secure download link. Do not file the objected-to exhibits via CM/ECF.</p> <p>Each side must also email a copy of its objection chart to the other side in editable Word format.</p>
<p>Three weeks before the Final Pretrial Conference</p>	<p><i>File Motions in Limine (Optional)</i></p> <p>Each side may file one consolidated motion.</p> <p>Motions <i>in limine</i> are discouraged when the motion cannot be resolved until evidence is presented at trial; instead, such evidentiary issues can be flagged in a trial brief.</p>

Date	Task
Seven days before the Final Pretrial Conference	<p><i>File Responses to Deposition Objections</i></p> <p>Each side must file its responses to the other side's objections by filling in the designated column in the chart(s) filed by the other side.</p> <p>The responding side must also email an editable Word copy of the objection chart(s) with responses to Domenico Chambers@cod.uscourts.gov.</p> <p>No replies to deposition objections will be permitted without leave of Court.</p>
Seven days before the Final Pretrial Conference	<p><i>File Responses to Exhibit Objections</i></p> <p>Each side must file its responses to the other side's objections by filling in the designated column in the chart filed by the other side.</p> <p>The responding side must also email an editable Word copy of the objection chart with responses to Domenico Chambers@cod.uscourts.gov.</p> <p>No replies to exhibit objections will be permitted without leave of Court.</p>
Seven days before the Final Pretrial Conference	<p><i>File Responses to Motions in Limine</i></p> <p>No replies to motions <i>in limine</i> will be permitted without leave of Court.</p>
Seven days before the Final Pretrial Conference	<p><i>File Trial Briefs (Optional)</i></p> <p>Trial briefs are encouraged, but not required, and a trial brief may not be used as a substitute for a motion. If filed, trial briefs must not exceed 2,700 words.</p>

Date	Task
<p>Seven days before the Final Pretrial Conference</p>	<p><i>File Proposed Final Pretrial Order</i></p> <p>The parties must submit a proposed Final Pretrial Order pursuant to Federal Rule of Civil Procedure 16(e) and Local Civil Rule 16.3 via CM/ECF and by email to Domenico.Chambers@cod.uscourts.gov in editable Word format. The form to be used for the Final Pretrial Order can be found at http://www.cod.uscourts.gov/CourtOperations/RulesProcedures/Forms.aspx.</p>
<p>Seven days before the Final Pretrial Conference</p>	<p><i>File Proposed Joint Exhibit List</i></p> <p>The parties must file a proposed joint exhibit list via CM/ECF. The exhibit list form can be found at http://www.cod.uscourts.gov/JudicialOfficers/ActiveArticleIIIJudges/HonDanielDDomenico.aspx. All exhibits must be identified by number only (e.g., “Exhibit 1,” not “Plaintiff’s Exhibit 1”). Exhibit numbers need not be consecutive. Consult DDD Civ. P.S. II(C) for further guidance regarding numbering and marking of exhibits.</p>
<p>Seven days before the Final Pretrial Conference</p>	<p><i>File Proposed Witness Lists</i> <i>Fed. R. Civ. P. 26(a)(3)(A)(i)-(ii)</i></p> <p>The parties must file their proposed witness lists via CM/ECF, including an estimate of the time required for their direct examination of each witness. Witness list forms can be found at http://www.cod.uscourts.gov/JudicialOfficers/ActiveArticleIIIJudges/HonDanielDDomenico.aspx.</p>
<p>Seven days before the Final Pretrial Conference</p>	<p><i>File Proposed Voir Dire Questions</i></p>

Date	Task
Five days before the Final Pretrial Conference	<p data-bbox="764 268 1133 338"><i>File Estimated Cross-Examination Time</i></p> <p data-bbox="764 380 1320 478">The parties must file an estimate of the time required for their cross-examination of each of the opposing side’s witnesses.</p>
Two business days before Trial	<p data-bbox="764 516 1089 548"><i>Submit Trial Exhibits</i></p> <p data-bbox="764 583 1320 856">The parties must provide the Court with two hard copies of a single integrated set of their trial exhibits (one set of original exhibits and one copy for the bench) and one electronic copy of their trial exhibits. All exhibits must be pre-marked with a label identifying the exhibit number and case number.</p> <p data-bbox="764 898 1320 1100">The hard-copy exhibits must be bound in one or more three-ring binders no larger than three inches in width, and the binders must be labeled on the cover and on the spine with the case caption, trial date, and “ORIGINAL” or “COPY.”</p> <p data-bbox="764 1142 1320 1520">The electronic-copy exhibits may be delivered to the Court on USB flash drive or submitted by email to Domenico Chambers@cod.uscourts.gov as attachments or via secure download link. Do not file the exhibits via CM/ECF. Except for any video or audio exhibits, electronic exhibits must be in PDF file format. The file name for each electronic exhibit must include the exhibit number and description (e.g., “Ex 1 - Employment Contract.pdf”).</p>

Date	Task
First day of Trial	<p data-bbox="764 268 1230 300"><i>Submit Final Joint Exhibit List</i></p> <p data-bbox="764 338 1321 646">The parties must provide the Courtroom Deputy with three hard copies (an original and two copies) of their final joint exhibit list. The parties may remove any exhibits they no longer expect to or may offer, but they may not add new exhibits not included on their initial exhibit list disclosures without either the consent of the opposing side or leave of Court.</p> <p data-bbox="764 684 1321 783">If the final joint exhibit list differs from that filed previously, the final exhibit list must also be filed via CM/ECF.</p>
First day of Trial	<p data-bbox="764 823 1166 854"><i>Submit Final Witness Lists</i></p> <p data-bbox="764 892 1321 1234">The parties must provide the Courtroom Deputy with three hard copies (an original and two copies) of their final witness lists. The parties may remove any witnesses they no longer expect to or may call, but they may not add new witnesses not disclosed on their initial proposed witness lists without either the consent of the opposing side or leave of Court.</p> <p data-bbox="764 1272 1321 1371">If the final witness lists differ from those filed previously, the final witness lists must also be filed via CM/ECF.</p>

It is FURTHER ORDERED that the parties should be prepared to address the following issues at the Final Pretrial Conference:

1. The proposed Final Pretrial Order;
2. Any outstanding motions, including motions *in limine*;
3. Jury selection, including the parties' proposed *voir dire* questions;
4. Jury instructions;

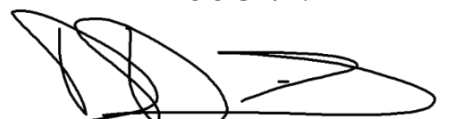
5. Sequestration of witnesses;
6. Time limits for opening statements;
7. Timing and presentation of witnesses and evidence, including the use of deposition testimony and any objections thereto;
8. Any anticipated evidentiary issues, including any objections to exhibits and the necessity for any cautionary or limiting instructions;
9. Any stipulations of fact or law; and
10. Any other issue affecting the duration or course of the trial.

It is FURTHER ORDERED that, should the parties wish to conduct a mediation, the mediation must be completed in advance of the Final Pretrial Conference.

It is FURTHER ORDERED that counsel and pro se parties must be present on the first day of trial at 8:30 a.m. Jury selection will begin at 9:00 a.m. Commencing the second day of trial, the normal trial day will begin at 9:00 a.m. and continue until 5:00 p.m. The trial day will have morning and afternoon recesses of approximately fifteen minutes in duration, and a lunch break of approximately 90 minutes.

DATED: November 2, 2022

BY THE COURT:



Daniel D. Domenico
United States District Judge