

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ASHLEY DIAMOND,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:20-CV-453 (MTT)
)	
TIMOTHY WARD, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

This Order, and the attached pretrial order form, must be carefully read.
This Order and the attached Pretrial Order Form are amended from time to time.
This document includes the latest revisions.

NOTE: The pages of the Pretrial Order must be numbered.

1.

A Rule 16 pretrial conference will be held in Macon, Georgia, at a date to be determined. The Court requires that lead counsel for each party attend the pretrial conference.

2.

This case will be specially set for a jury trial at a date to be determined—likely the trial term beginning the week of January 17, 2023.

3.

Not later than December 5, 2022, marked copies of proposed trial exhibits of each party shall be delivered to all other parties. The parties may, by agreement, exchange exhibit lists rather than actual exhibits. All objections to authenticity of

exhibits will be addressed at the pretrial conference. Plaintiffs' exhibit numbers shall be preceded by the letter "P" and defendants' exhibit numbers shall be preceded by the letter "D". Joint exhibit numbers shall be preceded by the letter "J". (When the same exhibit is to be used by each side, it should be treated as a joint exhibit and should be marked accordingly.) Separate documents or items should have separate exhibit numbers. For example, ten photographs are ten exhibits, not one. Avoid "subexhibits," e.g., 17.1 or 17A. Before jury deliberations begin, counsel must ensure that electronic exhibits are identical to exhibits admitted at trial.

4.

Not later than December 2, 2022, the parties shall email to the Court a joint proposed pretrial order. The proposed order must be attached to the email and saved as a Microsoft Word or WordPerfect document consistent with the attached form.

5.

If a party intends to use deposition testimony in lieu of live testimony, that party shall file page and line designations **no later than December 5, 2022**. Opposing parties shall file counter page and line designations and objections to designations **no later than December 7, 2022**. The party using the deposition shall file objections to counter designations **no later than December 9, 2022**. Transcripts of depositions in ASCII (.txt) format shall be provided to Kim Tavalero, Courtroom Deputy, at kim_tavalero@gamd.uscourts.gov **no later than December 2, 2022**, if not already provided to the Court.

6.

Trial briefs, memoranda of law and motions in limine shall be filed **no later than December 2, 2022**. Participants at the pretrial conference should be prepared to discuss the merits of the motions at the pretrial conference.

7.

At the pretrial conference each party shall:

(a) Make any objections as to the authenticity of the exhibits of the other parties. The parties should also make any objections to any exhibits that the parties contend were not properly disclosed during discovery. Any authenticity or disclosure objections not made at pretrial shall be deemed waived. Unless specifically addressed at the pretrial conference, the Court will reserve ruling on any other objections to the exhibits.

(b) Make any objections to witnesses listed in the proposed pretrial order. Any objections not made at the pretrial conference shall be deemed waived. Witnesses not identified in the proposed pretrial order shall not be allowed at trial unless otherwise ordered by the Court or unless the witness could not have reasonably been identified prior to the pretrial conference.

(c) Present to the court all pending motions or other matters which require a ruling or other action by the Court. Any pending motions not so identified shall be deemed abandoned by the movant.

SO ORDERED, this 21st day of October, 2022.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	
)	
Defendant.)	
_____)	

PROPOSED PRETRIAL ORDER - JURY

The following constitutes a pretrial order entered in the above-styled case after conference with counsel for the parties:

(1) (a) The name, address, and telephone number of all attorneys who personally appeared at pretrial and who will conduct the trial are as follows:

Plaintiff _____

Defendant _____

Other _____

(b) The name, address, and telephone number of all nonparty persons including attorneys who have a fixed or contingent financial interest in this case are as follows: _____

(2) (a) Companion cases pending in this and other federal or state courts are: _____

(b) Possible derivative claims not now the subject of pending litigation:

(3) The estimated time required for trial is: _____

(4) The parties agree that the Court has jurisdiction of the parties and the subject matter (cite jurisdictional statutes).

- OR -

The jurisdiction of the Court was questioned because: _____.
After hearing from the parties the Court decided _____.

(5) The jury will be qualified as to relationship with the following:

(6) Unless otherwise noted, the names of the parties as shown in the caption to this order are correct and complete, and there is no question by any party as to the misjoinder or nonjoinder of any parties.

(7) The following is the plaintiff's brief and succinct outline of the case and contentions: _____

(8) The following is the defendant's brief and succinct outline of the case and contentions: _____

(9) The issues for determination by the jury are as follows:

(10) If a tort action, specifications of negligence, including applicable code sections, are as follows: _____

(11) If a contract action, the terms of the contract are as follows (or, the contract is attached as an Exhibit to this order):

(12) The types of damages and the applicable measure of those damages are as follows:

(13) All material undisputed facts established by the pleadings, depositions, or admissions of the parties are attached as Attachment A, and are signed by counsel, and will be read to the jury at the beginning of trial.

(14) Pursuant to the Court's usual practice, pleadings will not be submitted to the jury.

(15) The following are lists of witnesses the:

(a) Plaintiff will have present at trial: _____

(b) Plaintiff may have present at trial: _____

(c) Defendant will have present at trial: _____

(d) Defendant may have present at trial: _____

(16) The parties' respective exhibit lists [see attached format] are attached as Attachments _____.and _____.

(17) The following depositions may be used at trial in lieu of testimony:

(a) by Plaintiff: _____

(b) by Defendant: _____

(18) The parties' proposed voir dire questions (limited to 20), requested jury charges, and verdict form are attached as Attachment ____ to Attachment _____.

(19) The possibilities of settling the case are: _____

(20) A jury of twelve will be selected and all jurors shall participate in the verdict unless excused from service by the Court.

(21) Other matters: _____

Submitted by:

It is hereby ORDERED that the foregoing, including the attachments thereto, constitute the pretrial order in the above case and supersede the pleadings which may not be further amended except by order of the Court to prevent manifest injustice.

This _____ day of _____, 2019.

MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

