

THE HONORABLE R. STAN BAKER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA

GENERAL TRIAL INSTRUCTIONS & PROCEDURES  
FOR JUDGE BAKER'S CIVIL CASES



May 1, 2019

In accordance with the Court's Order and Notice of Trial Preparation Requirements, the parties are encouraged to read and follow the instructions and procedures below in preparation of trial before District Judge R. Stan Baker. For questions regarding any information contained herein or in any trial preparation documents, please contact Judge Baker's Courtroom Deputy Clerk, Pam Hammock, at 912-650-4081 or [pam\\_hammock@gas.uscourts.gov](mailto:pam_hammock@gas.uscourts.gov).

## **TRIAL DOCUMENTS**

### **I. WITNESS LIST(S)**

- A. By the deadline set forth in the Trial Preparation Scheduling Order and in addition to the parties' requirements contained in the proposed pretrial order, each party shall file a list of witnesses they intend to call or may call at trial.<sup>1</sup> The parties are directed to use the event in CM/ECF titled "Witness List" located under Civil Events → Other Filings → Trial Documents. Additionally, at least one (1) day prior to the Pretrial Conference, each party should email their respective witness lists as a Word document to the Courtroom Deputy Clerk at [pam\\_hammock@gas.uscourts.gov](mailto:pam_hammock@gas.uscourts.gov).

When preparing the witness list, the parties should address for each witness the columns provided regarding whether the party "will call" or "may call" the witness and whether the party will present the witness through "live testimony" or "deposition testimony." It is not necessary for a party to include an anticipated date a witness will be called to testify.

### **II. DEPOSITION DESIGNATIONS**

1. Exchange page and line designations for all witness testimony a party intends to present by deposition.

Prior to filing objections to another party's deposition designations, the parties must exchange page and line designations and must discuss any objections to such designations. If any party objects to another party's page and line designation, the objecting party must confer, either telephonically or in person, with the proposing party (or parties) regarding each and every objection the party intends to raise. During such conference, the parties shall undertake a sincere, good faith effort to reach an agreement regarding the objected-to deposition designations. When filing any objections, the objecting party must certify that the conference was conducted (or that a good faith effort to conduct the conference was made) and must also state whether the parties reached any agreement regarding the objected-to deposition designations.

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<sup>1</sup> The Witness List form can be located on the Court's website under the "Forms" tab (Judge Baker – Instructions and Forms, Judge Baker Civil Cases) and is titled "Witness List."

2. Jointly prepare and file a Deposition Designation Form for each witness.<sup>2</sup>

For each witness a party will present by deposition, counsel must designate excerpts by page and line. The party must include any and all counter-designations, chronologically interspersed throughout a single, joint designation form for each witness. Using the Deposition Designations form, each designated excerpt should note the party making the designation and whether there is an objection. Each party must complete the same process for any witnesses to be presented by deposition in their case-in-chief. Deposition Designations are to be filed by the deadline stated in the Trial Preparation Scheduling Order.

The parties must file as an attachment to the Deposition Designation form an electronic color-highlighted version of the complete and non-condensed transcript of the witness's deposition that visually identifies a party's designations in one highlighter color, and other parties' designations in different highlighter colors (Please be consistent in the use of highlighter colors by party.). The parties are directed to use the event in CM/ECF titled "Deposition Designations" located under Civil Events → Other Filings → Trial Documents when filing this form.

3. Edit and Finalize Deposition Transcripts and/or Videos.

The Court will endeavor to rule on any filed Objections by no later than the Pretrial Conference. After ruling, the proponent will be responsible for preparing the final deposition transcript and/or video of the deposition to be presented to the jury, edited per the Court's rulings. When preparing any videos of depositions, the proponent must also prepare a transcript that corresponds exactly to the edited video. A copy of the final deposition transcript or the final edited video and corresponding transcript must be provided to Judge Baker's Courtroom Deputy Clerk and to opposing counsel as directed by the time specified by the Court during the Pretrial Conference.

### III. EXHIBIT DESIGNATIONS

1. Exchange exhibit designations.

Prior to filing objections to another party's exhibits designations, the parties must exchange exhibits and must discuss any objections to such designations. If any party objects to another party's exhibit designation, the objecting party must confer, either telephonically or in person, with the proposing party (or parties) regarding each and every objection the party intends to raise. During such conference, the parties shall undertake a sincere, good faith effort to reach an agreement regarding the objected-to exhibits designations. When filing any objections, the objecting party must certify that the conference was conducted

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<sup>2</sup> The Deposition Designation form can be located on the Court's website under the "Forms" tab (Judge Baker – Instructions and Forms, Judge Baker Civil Cases) and is titled "Joint Deposition Designations."

(or that a good faith effort to conduct the conference was made) and must also state whether the parties reached any agreement regarding the objected-to exhibits designations.

2. Prepare and file a proposed joint exhibit list and/or separate proposed exhibit lists.<sup>3</sup>

Exhibit Lists are to be filed by the deadline stated in the Trial Preparation Scheduling Order. For all exhibit designations, the parties shall prepare and file a joint proposed exhibit list and/or a separate proposed exhibit list when appropriate.

The parties are directed to use the event in CM/ECF titled “Exhibit List” (located under Civil Events → Other Filings → Trial Documents) when filing any proposed exhibit list. The filing party should clearly state on the document and also at the time of filing whether the exhibit list is a joint proposed exhibit list or other.

The parties must file as attachments to a proposed exhibit list each exhibit referenced on the proposed exhibit list. Some exhibits, whether due to the type or size of the exhibit, may not have the ability to be uploaded in CM/ECF. In those instances, the parties are directed to:

- a. Conventionally file any exhibits that are unable to be uploaded in CM/ECF with the Clerk of Court by providing them on a flash drive to the Courtroom Deputy Clerk;
- b. Notate the proposed exhibit list as to any exhibits not contemporaneously filed as an attachment to the exhibit list; and
- c. Attach to the exhibit list a placeholder for any exhibit conventionally filed with the Clerk of Court and include a notation on the placeholder as to the location of the exhibit (\*see [Appendix A](#) for a sample placeholder).

3. Edit and Finalize Exhibit Lists and Exhibits.

The Court will endeavor to rule on any filed Objections by no later than the Pretrial Conference. After ruling on any objections to exhibit lists, the proponent will be responsible for preparing the final exhibit list and exhibits to be presented to the jury, edited per the Court’s rulings. Regarding the format and presentation of finalized exhibit lists and exhibits to the Court in anticipation of trial, the parties should follow and consider the following:

- a. A copy of the finalized exhibit list with exhibits must be provided to the Courtroom Deputy Clerk and to opposing counsel as directed by the time specified by the Court during the Pretrial Conference. All finalized exhibits lists should be provided as a Word document to the Courtroom Deputy Clerk via email at [pam\\_hammock@gas.uscourts.gov](mailto:pam_hammock@gas.uscourts.gov).

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<sup>3</sup> The Exhibit List form can be located on the Court’s website under the “Forms” tab (Judge Baker – Instructions and Forms, Judge Baker Civil Cases) and is titled “Exhibit List.”

- b. Unless a party objects, all exhibits for introduction into evidence, to be shown to witnesses, and to be published to the jury must be presented electronically during trial, including documentary exhibits. Acceptable electronic formats for trial exhibits are limited to the following file types: .pdf, .jpg, .bmp, .tif, .gif, .avi, .wmv, .mpg, .mp3, .mp4, .wma, .wav, .3gpp.
- c. Exhibits to be used during trial should be provided to the Courtroom Deputy Clerk on a flash drive. Each finalized trial exhibit on the flash drive should be clearly named in an easily identifiable manner. Some exhibits may not exist in electronic format or may not easily convert to an electronic format. In those instances, the parties are directed to notate the exhibit list as to any non-documentary physical exhibits not provided in electronic format. When providing non-documentary physical exhibits, the parties are directed to include photographs or other reproductions of such exhibits in electronic form.

Should the parties have any questions regarding the above process regarding trial exhibits, they should contact the Courtroom Deputy Clerk well in advance of their deadline for submission of finalized exhibit lists and exhibits.

#### IV. PROPOSED VOIR DIRE

- A. By no later than the deadline stated in the Trial Preparation Scheduling Order, the parties are directed to file their proposed voir dire with the Court and are directed use the event in CM/ECF titled “Proposed Voir Dire” (located under Civil Events → Other Filings → Trial Documents). The parties should also email their proposed voir dire questions as a Word document to the Courtroom Deputy Clerk at [pam\\_hammock@gas.uscourts.gov](mailto:pam_hammock@gas.uscourts.gov).

#### V. PROPOSED JURY CHARGES

- A. By no later than the deadline stated in the Trial Preparation Scheduling Order, the parties are directed to file their proposed jury charges with the Court and are directed use the event in CM/ECF titled “Request to Charge” (located under Civil Events → Other Filings → Trial Documents). The parties should also email their proposed jury charges as a Word document to the Courtroom Deputy Clerk at [pam\\_hammock@gas.uscourts.gov](mailto:pam_hammock@gas.uscourts.gov).

The parties are encouraged to use and refer to the Eleventh Circuit Pattern Jury Instructions in making their requests (<http://www.ca11.uscourts.gov/pattern-jury-instructions>). For each requested jury instruction, the party should include the full text of the requested instruction and the pattern instruction number or other authority on which the request is based. If a party’s requested instruction includes a modification of the pattern instruction, the party should so indicate.

## VI. OBJECTIONS TO TRIAL DOCUMENT(S)

If there are unresolved objections, then, by no later than the deadlines stated in the Trial Preparation Scheduling Order, the parties must file Objections to deposition designations, exhibits designations, proposed voir dire, and proposed jury charges. The parties are again reminded of their obligation to certify in any filed Objections that a conference was conducted (or that a good faith effort to conduct the conference was made) in an effort to resolve objections prior to the filing of objections.

Objections must clearly indicate the objected-to deposition designation, exhibit, proposed question and/or charge and should specifically cite to the previously filed document. A party may prepare and file separate pleadings for each objection to a trial document or may prepare and file one pleading containing all objections to any trial documents so long as the party complies with all deadlines for objections set forth in the Trial Preparation Scheduling Order. When filing objections, the parties are directed to use the event in CM/ECF titled “Objection to Trial Exhibits” located under Civil Events → Other Filings → Other Documents. If a party chooses to file separate pleadings, each objection must be clearly captioned and should specify in the docket entry text the objection being filed by the party. For example, a defendant objecting to plaintiff’s deposition designations should file the pleading as “Objection to Trial Exhibits - *Plaintiff’s Deposition Designations.*”

## VII. PROPOSED Pretrial ORDER

- A. During the Pretrial Conference, the Court will use the parties’ proposed pretrial order as a reference and guide for preparing the case for trial. Thus, as directed in the Court’s Order and Notice of Pretrial Proceedings, the parties must use the proposed pretrial order form for use in Judge Baker’s cases.<sup>4</sup> The parties must use this form when filing their proposed pretrial order. The form is a fillable Word document; when using this fillable Word document, the parties are reminded to follow the Court’s procedures for electronic filings, detailed in Section VI of the Rule 26 Instruction Order entered shortly after this case was filed in this Court. Specifically, counsel shall not print and then scan the proposed pretrial order before filing but instead directly convert the completed form into a text-searchable PDF for filing.

When preparing the proposed pretrial order, the parties should maintain each numbered section of the form and add the parties’ response(s) directly below each section. In other words, for a numbered section, the proposed pretrial order should state the question or directive and should then state the parties’ response. The parties should not delete or remove the question or directive for a numbered section. Additionally, the parties should only use appendices or attachments where specifically authorized by the Court in the proposed pretrial order form.

When filing the joint consolidated proposed pretrial order by the deadline stated in the Trial Preparation Scheduling Order, the parties are directed to use the event in CM/ECF titled

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<sup>4</sup> The Proposed Pretrial Order form can be located on the Court’s website under the “Forms” tab (Judge Baker – Instructions and Forms, Judge Baker Civil Cases) and is titled “Proposed Pretrial Order.”

“Proposed Pretrial Order” located under Civil Events → Other Filings → Other Documents. Additionally, at the time of filing, the parties are directed to email their proposed pretrial order form as a Word document to the Courtroom Deputy Clerk at [pam\\_hammock@gas.uscourts.gov](mailto:pam_hammock@gas.uscourts.gov).

## **PRETRIAL CONFERENCE**

- A. At the pretrial conference, the Court will conduct a meaningful and substantive discussion regarding the trial of this case. Thus, any attorney participating in the trial of the case must be present at the pretrial conference. Unless otherwise directed by the Court, represented parties need not attend the pretrial conference. However, pro se parties must attend the pretrial conference.
- B. The parties should be prepared to discuss and offer argument on any pending motions and responses thereto, as well as any trial documents listed above and objections thereto.
- C. Counsel should bring to the Court’s attention any witnesses, parties, counsel, or others who will be present at trial and who may need accommodation for any disability.

## **TRIAL**

- A. As indicated above and unless objections are raised, exhibits for introduction into evidence, to be shown to witnesses, and to be published to the jury must be presented electronically during trial. This includes any documentary exhibits. Parties shall not file final trial exhibits on the record of the case in CM/ECF, but must deliver to the Courtroom Deputy Clerk, a USB flash drive containing the exhibits in electronic format.

Parties should refer to Section [II-3](#) of these instructions and also the Eleventh Circuit rules regarding exhibits (<http://www.ca11.uscourts.gov/rules-procedures>) when submitting trial exhibits to the Clerk of Court. Upon conclusion of trial and within the time specified by the Court, counsel must file a Certification of Exhibits in the case.<sup>5</sup>

- B. The parties shall provide one paper courtesy copy of all trial exhibits for inclusion in a Trial Exhibit Notebook to be given to the jury at the conclusion of the case. The Trial Exhibit Notebook for the jury should contain said trial exhibits three-hole punched and placed into labeled three-ring binders with an exhibit list and numerical side index tabs for each exhibit.

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<sup>5</sup> The certification form can be located on the Court’s website under the “Forms” tab (Judge Baker – Instructions and Forms, Judge Baker Civil Cases) and is titled “Certification of Exhibits.”

**PLAINTIFF'S EXHIBIT 1**

(\*Exhibit 1 conventionally filed with the Clerk of Court on May 1, 2019,  
by providing a flash drive containing Exhibit 1 to the Courtroom Deputy Clerk.)