

CHAMBERS OF JUDGE DAVID CLAY FOWLKES

INSTRUCTIONS AND PROCEDURES FOR DEPOSITION DESIGNATIONS

1. **Exchange Designations, Objections, and Counter-Designations.** By the deadline stated in the Case Management Order, the parties must exchange page and line designations for all witness testimony that a party intends to present by deposition. Opposing counsel must then provide notice of objections and/or counter-designations. These designations and objections should *not* be filed with the Court, but rather exchanged by the parties. **The parties must then confer in good faith to resolve objections.**
2. **Jointly Prepare One Designation Form For Each Witness.** For each witness the Plaintiff will present by deposition, counsel must designate excerpts by page and line. Plaintiff must include an opposing parties' counter-designations, chronologically interspersed throughout a single, joint designation form for each witness. Using the Court's form, each designated excerpt should note the party making the designation, whether there is an objection, and if so the Rule or shorthand basis. Defendant must complete the same process for witnesses to be presented by deposition in Defendants' case-in-chief only.
3. **Prepare and File Joint Motion To Exclude Deposition Testimony.** If there are unresolved objections, then, *by no later than the deadline stated in the Case Management Order*, the parties must file a single **Joint** Motion to Exclude Deposition Testimony for each witness. The joint motion shall begin with a concise non-argumentative opening paragraph introducing the witness and his/her connection to the facts. Then, for each objection, the objecting party's narrative shall identify the excerpt number and a concise but complete basis for the objection (and authority for a "non-routine" objection). The proponent's response shall appear immediately below the objection. The idea being to "mimic" in writing a "side bar" with the Court. Attach the joint designation form and a condensed copy of the complete deposition transcript, as Exhibits A and B, respectively.
4. **Provide Highlighted and Annotated Transcript.** The parties must separately provide Chambers with a color-highlighted version of the complete condensed transcript, visually identifying the Plaintiff's designations in one highlighter color, and the Defendant's designations in a different color. (Be consistent in the use of highlighter colors). Annotate the margin by drawing attention to the particular Q and A's to which objections have been asserted. Note the excerpt number and whether it is a plaintiff or defendant objection.
5. **Edit Videos and Transcripts.** The Court will endeavor to rule on objections by no later than the Final Pre-Trial Conference. After ruling, the proponent will be responsible for preparing the final video version of the deposition to be presented to the jury, edited per the Court's rulings. The proponent must also prepare a transcript that corresponds exactly to the edited video. A copy of the final edited video and corresponding transcript must be provided to opposing counsel at least one full business day prior to trial, and provided to the courtroom deputy by no later than the first morning of trial.