

UNITED STATES DISTRICT COURT
District of Idaho
Exhibit List Instructions
Judge David C. Nye

1. Counsel are required by the Court's Scheduling Order and Local Rule to pre-mark exhibits. For jury trials, the parties should submit the original and one copy of all marked exhibits; for court trials, the original plus two copies should be provided. An original and two copies of the exhibit list should be submitted in all cases. The parties must use the Court's own exhibit list form, which is available on the Court's Web Site, or may be obtained from the Courtroom Deputy, either in hard copy or on a 3.5" disk provided by counsel. (WordPerfect 8 or compatible format).
 - a. If the exhibit list has been obtained in hard copy, the first page should be completed with all identifying information about the case, and should list the first 5 exhibits. Descriptions of the exhibits should be limited to the space provided. A second page is provided and may be photocopied for any additional exhibits. All subsequent pages should be numbered.
 - b. If the exhibit list has been obtained on disk or electronic format, the rows will expand to accommodate the space necessary to fully identify the exhibits. Additional rows will be automatically added by pressing Tab in the Comments column of the last row. Pages are automatically numbered, and a header row will automatically appear on all subsequent pages.
2. **Counsel are strongly encouraged to meet before trial to reach a stipulation as to the admissibility of exhibits.** If counsel do meet, the exhibit list should identify any stipulations reached by counsel. It would also be helpful to the Court to identify any objections which counsel have to each exhibit. It is the Court's experience that an effort to identify stipulations and objections to exhibits will assist counsel in better preparing for trial, will provide the Court with appreciated guidance as to potential evidentiary disputes, and will expedite the trial. If counsel are not able to meet, leave both the Stipulation and Objection Columns blank, since they will be used by the Court.
3. If the exhibit list indicates that counsel have stipulated to the admission of the exhibit, the exhibit will be immediately admitted into evidence upon it being offered by counsel. If such a stipulation is noted on the exhibit list, opposing counsel will not be asked if they have any objection to the exhibit.
4. If the exhibit list indicates that counsel have reached a partial stipulation as to an exhibit (*e.g.*, foundation, authenticity, or business record exception to the hearsay rule), it will not be necessary for counsel to cover such matters with a witness. Counsel should note the partial stipulation, and offer the exhibit so that the Court can rule on opposing counsel's objections.

5. The exhibit list should be completed in accordance with the following instructions.
- a. Complete the case information section on the first page. Complete the Exhibit Number and Description Columns for all exhibits. Complete the Stipulation and Objection Columns as appropriate. Leave the remaining columns blank.
 - b. Joint exhibits should be numbered 1-999; plaintiff's exhibits should be numbered 1001-1999, and defendant's exhibits should be numbered 2001-2999. If there is more than one defendant, successive blocks of numbers should be used, i.e. 3001-3999, 4001-4999, etc. Counsel should reach agreement on assigned numbers before the exhibits are pre-marked.
 - c. A stipulation to the admission of the exhibit, should be indicated by marking the Stipulation column with "ADM." A partial stipulation should be indicated by an abbreviation indicating the nature of the stipulation, e.g. authenticity (AUTH), foundation (FND), relevance (REL), business record exception (BRE). If no stipulation has been reached then leave blank.
 - d. Objections should be noted by abbreviation or by reference to F.R.E., e.g. Relevance (REL or 402).
 - e. The following is an example of how the exhibit list should be completed.

Case Name: ABC Corporation vs. XYZ Corporation		Plaintiff's Attorney: Jane Roe
		Defendant's Attorney: John Doe
Docket No.: 97-00032-S-BLW	Trial Dates: March 10-24	Courtroom Deputy:
Presiding Judge: David C. Nye		Court Reporter: Stephanie Morse
Party Offering Exhibits: Defendant		

Exhibit Number	Date Offered	Stipulation	Objection	Ruling	Description	Notes
1001		ADM			3/1/95 Prospectus for XYZ Class A Common Stock	
1002		FND BRE	REL		2/25/95 Letter from David Brown to CEO of XYZ Corporation	
1003			AUTH REL		2/1/95 Handwritten notes of meeting between David Brown and Janet Henry.	