

**In the United States District Court
for the District of Kansas**

Case No. 23-2021-TC

COLLEEN STUART, ET AL.,

Plaintiffs

v.

CITY OF TOPEKA, KS, ET AL.,

Defendants

SUPPLEMENTAL TRIAL ORDER

Following a ruling on pending motions, Doc. 77, this matter was reassigned to District Judge Toby Crouse, Doc. 78. This case is still set for jury trial beginning **September 16, 2024 at 9:00 a.m. in Topeka, Kansas, Courtroom 401**. Estimated time of trial is **five days**.

A Trial Scheduling Order has been previously entered. Doc. 76. Consistent with the parties' discussion during the earlier telephone conference, Doc. 79, the deadlines and procedures contained in the Trial Scheduling Order remain in force unless modified in this Supplemental Trial Order

I. WITNESSES AND EXHIBITS.

The Trial Scheduling Order, Doc. 76, controls the timing and sequencing of identifying and listing witnesses and exhibits.

II. MOTIONS.

Absent an order of the Court, the arguments and authorities section of briefs or memoranda submitted in connection with all further motions or other pretrial matters shall not exceed 10 pages.

A. Pending Motions. None.

B. Motions In Limine. The parties shall file all motions in limine no later than **August 26, 2024**. The parties shall file briefs in opposition to motions in limine no later than **September 3, 2024**. Absent leave of the Court, the parties shall not file reply briefs in support of motions in limine. The Limine Conference shall occur **September 9, 2024 at 2:00 p.m. in Topeka, Kansas, Courtroom 401**.

C. Experts. No motions to exclude expert testimony will be filed. Doc. 48 at § 8.c.

III. FURTHER PROCEEDINGS AND FILINGS.

A. Trial Briefs. No later than **September 12, 2024**, a party may submit a trial brief which shall not exceed 15 pages. The Court does not require trial briefs but finds them helpful if the parties anticipate that unique or difficult issues of law will arise during trial.

B. Voir Dire. No later than **September 12, 2024**, a party may submit proposed voir dire questions only to address particularly unusual areas of questioning, or questions that are likely to result in objections by the opposing party. Objections to any proposed voir dire shall be filed no later than **September 13, 2024**. The parties will not be permitted to conduct any voir dire. *Contra* Doc. 76 at 4.

C. Joint Statement of the Case. No later than **September 12, 2024**, counsel shall prepare a joint statement in simple terms describing the nature of the case including the claims and defenses of the parties to be read by the Court during voir dire. This statement will be used to set the context of the trial for

the jury. The statement of the case generally should not exceed one page.

D. Jury Instructions. The parties shall submit jointly proposed instructions in jury cases in compliance with Fed. R. Civ. P. 51 and D. Kan. Rule 51.1. Under D. Kan. Rule 51.1, the parties and attorneys have joint responsibility to attempt to submit one agreed set of preliminary and final instructions which specifically focuses on the parties' factual contentions, the controverted essential elements of any claims or defenses, damages, and any other instructions unique to this case. In the event of disagreement, each party shall submit its own proposed instruction(s) with a brief explanation, including legal authority, as to why its proposed instruction is appropriate, or why its opponent's proposed instruction is inappropriate, or both. The standard (stock instructions) concerning the jury's deliberations, the evaluation of witnesses' credibility, etc. are available at <https://www.ksd.uscourts.gov/content/district-judge-toby-crouse> (located under the "Guidelines & Orders" tab). **It is not necessary to submit standard jury instructions to the Court.**

1. The parties shall file their jointly proposed instructions no later than **12:00 p.m. on September 10, 2024**. It is anticipated that the Court will file proposed instructions on or about **September 13, 2024**. Written objections, if any, to the proposed instructions must be filed no later than **9:00 a.m. on September 16, 2024**.
2. In addition to filing proposed jury instructions, the parties shall submit their jointly proposed instructions (formatted in Word) as an attachment to an e-mail sent to ksd_crouse_chambers@ksd.uscourts.gov.

IV. GUIDELINES FOR CIVIL AND CRIMINAL PROCEEDINGS

The parties are encouraged to review Judge Crouse's Guidelines for Civil and Criminal Proceedings, available at <https://www.ksd.uscourts.gov/content/district-judge-toby-crouse> for further information about Judge Crouse's preferences and requirements for trial.

IT IS SO ORDERED.

Date: August 13, 2024

s/ Toby Crouse

Toby Crouse
United States District Judge