



Local Rule 9070-1 Exhibits (2013)

(a) Prior to Trial.

(1) Marking Exhibits. Prior to trial, each party should mark all exhibits to be introduced during trial using exhibit labels (stickers) obtained from the clerk. Plaintiffs use consecutive numbers; defendants use consecutive letters.

(2) Preparation for Trial. After completion of discovery and prior to the final pretrial conference, the attorneys for each party must: (A) prepare and serve on opposing attorneys a list that identifies and briefly describes all exhibits to be offered at trial; and (B) afford opposing attorneys opportunity to examine the exhibits. The parties must list the exhibits in the final pretrial order.

(b) During Trial.

(1) Custody of the Clerk. Unless the court orders otherwise, all exhibits that are admitted into evidence during trial, that are suitable for filing and transmission to the appellate court as a part of the record on appeal, must be placed in the custody of the clerk.

(2) Custody of the Parties. Unless the court orders otherwise, any other exhibit admitted into evidence during trial must be retained in the custody of the party offering it. With approval of the court, photocopies may be substituted for the exhibits once they have been introduced into evidence.

(c) After Trial.

(1) Exhibits in the Custody of the Clerk. If the clerk takes custody of exhibits under subsection (b)(1) of this rule, the exhibits may not be taken from the custody of the clerk until final disposition of the matter, except upon order of the court and execution of a receipt that identifies the material taken. The receipt must be filed in the case or proceeding.

(2) Retrieval from Evidence. With the permission of the clerk, parties should retrieve all exhibits from the custody of the clerk within 30 days after the expiration of the appeal period or after the mandate of the final reviewing court is filed. A party failing to comply with this rule will be notified by the clerk to retrieve its exhibits and sign a receipt for them. If the exhibits are not timely retrieved, the clerk may destroy or otherwise dispose of them as the clerk may see fit.

(3) Exhibits in the Custody of the Parties. Unless the court orders otherwise, the party offering any exhibit of the kind described in subsection (b)(2) of this rule must retain custody of it and be responsible to the court for preserving it in its condition as of the time admitted, until the time for appeal has expired or after the mandate of the final reviewing court is filed.

(4) Access to Exhibits by Parties. In case of an appeal, any party, upon written request of any other party or by order of the court, must make available any or all original exhibits in its possession, or true copies thereof, to enable another party to prepare the record on appeal.

(5) Exhibits in Appeals. When a notice of appeal is filed, each party must prepare and submit to the clerk a list that designates which exhibits are necessary for the determination of the appeal and in whose custody they remain. Parties who have custody of exhibits so listed must safekeep and transport the exhibits to the appellate court. All other exhibits that are not necessary for the determination of the appeal and that are not in the custody of the clerk must remain in the custody of the respective party, until the mandate of the final reviewing court is filed.



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(d) Contested Matters. Prior to hearing, each party should mark all exhibits to be introduced during the hearing using exhibit labels (stickers) obtained from the clerk. Movants use consecutive numbers; respondents use consecutive letters.

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