



Defendants	Counsel
E.I. DuPont DOE Nemours & Co. [DuPont]	Kevin T. Van Wart <sup>2</sup> William (Randy) Squires Tim Duffy Michelle Browdy (telephonic)
General Electric Co. [GE]	
UNC Nuclear Industries, Inc. [UNC]	

Pro se Plaintiffs Noreen L. Wynne, Carmela M. Destito-Buttice (for late John P. Destito, Jr.), and Marylin F. Mlnarik were not present.

The Court advised the parties of the Court's trial procedures. The Court and the parties also discussed the items on the previously filed Agenda. A separate Eleventh Status Conference Order has been filed. This Order is entered to memorialize and supplement the oral rulings of the Court related to trial procedures. Accordingly,

**IT IS ORDERED** that:

1. The parties have agreed that a historical presentation will be provided to the jury at the beginning of the trial. The parties will prepare a joint presentation that will be read by the undersigned.

2. The Court will conduct the majority of jury voir dire but allow counsel 30-45 minutes to ask additional questions or to do more in depth exploration of issues raised by the Court.

3. A total of 12 jurors will be selected. FED. R. CIV. P. 48, LOCAL RULE 47.1. Plaintiffs shall have 3 peremptory challenges; Defendants shall have 3 peremptory challenges. Local Rule 47.1. The challenges shall be exercised simultaneously. All jurors will participate in the verdict. FED. R. CIV. P. 48, LOCAL RULE 47.1.

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<sup>2</sup>Lead Counsel for Defendants.

1           4. Regular trial hours shall be from 8:30 a.m. to 12:00 noon, and  
2 1:30 - 4:30 p.m., Monday through Thursday, with a fifteen minute break  
3 in the morning and afternoon. Regular trial hours on Friday shall be  
4 from 8:00 a.m. to 2:00 p.m., with two twenty minute recesses.

5           5. A conference with counsel shall be held at 8:00 a.m. and  
6 4:30 p.m., Monday through Thursday. The conferences on Friday will be  
7 at 7:30 a.m. and 2:00 p.m. These conferences will be used to discuss  
8 the current or next day's witnesses/exhibits and address issues outside  
9 the presence of the juror. At the afternoon conference the parties  
10 shall exchange and provide the Court with a witness list for the  
11 following trial day with a list of exhibits that will be used with that  
12 witness.

13           6. The jurors will be provided with notebooks for note-taking and  
14 a copy of preliminary instructions. The parties shall provide fourteen  
15 3 hole punched, joint glossaries of terms to be placed in the notebooks  
16 **no later than one week before trial**. The glossary should be a simplified  
17 version of the joint glossary filed October 14, 2004, Ct. Rec. 1596. The  
18 glossary should only include technical words that will be used by the  
19 witnesses.

20           7. Documents published to the jury by counsel shall be collected at  
21 the conclusion of trial each day or following a witness's testimony  
22 regarding the published document.

23           8. A single photograph shall be taken of all witnesses, on the  
24 witness stand, prior to their testimony for use by the jury to correlate  
25 a witness with the testimony he or she provided. The photographs shall  
26 be maintained in a three-ring binder by the Court. The photograph will

1 have the witness's name on it and the date of the witness's testimony.  
2 The photographs will be provided to the jury to assist them during  
3 deliberations. Following deliberations, the photographs will be  
4 destroyed by the Court and **will not** be a part of the record.

5 9. Examination of witnesses shall be limited to direct, cross,  
6 redirect and re-cross. Fed. R. Evid. 611(a). Only one attorney may  
7 participate in the examination or cross-examination of a witness. LOCAL  
8 RULE 43.1.

9 10. All exhibits shall be pre-marked; listed on the Court Form; and  
10 provided to opposing counsel and the Court no later than **one week before**  
11 **trial**. The numbering for exhibits (Joint, Plaintiffs', Defendants',  
12 Plaintiffs' Demonstrative and Defendants' Demonstrative) shall be  
13 included in a later Order.

14 Any objections to exhibits not made in advance of trial (except  
15 those based on relevance or prejudice) shall be deemed waived. Exhibits  
16 not objected to or to which pretrial objections were overruled are  
17 admitted without formal offering and ruling.

18 11. Counsel are encouraged to limit requests for sidebars by  
19 anticipating legal and evidentiary issues so that the issues may be  
20 addressed during the daily conferences with the Court outside the  
21 presence of the jury.

22 12. Counsel shall have the next witness to be called to testify  
23 available on the Ninth Floor, to avoid delay.

24 13. An attorney's room for the Plaintiffs and for the Defendants is  
25 available on the Ninth Floor. Counsel may checkout keys from chambers  
26 staff to the counsel rooms for use during days of trial.

1 14. The parties' attention is drawn to Local Rule 1.1 which provides  
2 for the assessment of juror costs against the parties if the District  
3 Court Executive's office is not notified of settlement at least one full  
4 business day prior to the day on which the action is scheduled for trial.

5 15. Counsel may not contact jurors after the trial. LOCAL RULE 47.1.

6 The District Court Executive is directed to file this Order and  
7 provide copies to Liaison Counsel; Mediator Gary Bloom; **AND TO** pro se  
8 Plaintiffs Noreen L. Wynne, Carmela M. Destito-Buttice (for late John P.  
9 Destito, Jr.), and Marylin F. Mlnarik.

10 **DATED** this 21st day of December, 2004.

11  
12 s/ Wm. Fremming Nielsen  
13 WM. FREMMING NIELSEN  
14 SENIOR UNITED STATES DISTRICT JUDGE

13 H\O\122004