



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
The Honorable John Badalamenti

NOTICE TO COUNSEL AND UNREPRESENTED PARTIES

Instructions Regarding Exhibit Lists, Marking Exhibits, Sensitive Exhibits, and Electronic Exhibit Binders¹

I. EXHIBIT LISTS

On the date set forth in the operative Scheduling Order, counsel for each party must file and exchange a list of exhibits that may be introduced at trial. Counsel must use the Exhibit List form found on the [undersigned's website](#). In completing the Exhibit List form, counsel must provide a descriptive notation sufficient to identify each exhibit. In addition, on the morning of trial, prior to jury selection, counsel must provide the Courtroom Deputy Clerk with three (3) copies of their respective exhibit lists and email the lists in Microsoft Word® format to the [Chambers' mailbox](#). Include the case number and case name in the email subject line. Any party unable to comply with this requirement must contact the Courtroom Deputy Clerk to make other arrangements.

To avoid duplicate exhibits and confusion in the record, counsel must submit all stipulated exhibits as joint exhibits. Counsel must identify joint exhibits on a single exhibit list rather than separately list the joint exhibits on their individual exhibit lists. For example, if photographs or medical records are being stipulated into evidence, they should be marked as a joint exhibit and not listed separately by both (all) parties. Each

¹ These instructions are not all-inclusive. They are general in nature and intended to supplement the Federal Rules of Procedure and Local Rules for the Middle District of Florida.

party's individual exhibit list should include only additional exhibits to which objections have been asserted.

II. MARKING EXHIBITS

In advance of trial, counsel for each party must mark exhibits using the exhibit tags found on the [undersigned's website](#). Counsel must staple the appropriate colored, party-specific exhibit tab to the upper right corner of the first page. In completing the exhibit tags, the parties must use consecutive numbers to mark exhibits. For example:

Type of Exhibit	Examples and Instructions	
Government	Gov. 1, Gov. 2, Gov. 3, etc.	
Defendant	Def. 1, Def. 2, Def. 3, etc.	
Multiple Defendants	Number exhibits in the same order as the defendant's name appears on the indictment: D-1 Ex. 1, D-2 Ex. 1, etc.	
Joint Exhibits	Joint 1, Joint 2, Joint 3, etc.	
Composite Exhibits	Mark each exhibit in the composite separately using a number and lower case letter, e.g., Gov. 1a, Gov. 1b, Gov. 1c, etc.	And, identify each exhibit in the composite on a separate line in the exhibit list.

If there are any questions regarding the exhibit lists and the exhibit tags, please contact the Courtroom Deputy Clerk.

III. SENSITIVE AND OTHER NON-COMMON EXHIBITS

When offering sensitive exhibits and exhibits other than documents into evidence (e.g., drugs, weapons, currency, pornography, and articles of high monetary value), counsel shall also offer photographs of the exhibits. See [M.D. Fla. Local R. 5.04\(a\)](#). In addition, when offering into evidence a documentary exhibit larger or smaller than 8.5"x11", counsel shall also offer an 8.5"x11" reduction or enlargement of the exhibit. See

[M.D. Fla. Local R. 5.04\(b\)](#). Counsel will be deemed by the Court to stipulate to the substitution of the photographs or 8.5"x11" reduction/enlargement of the exhibits in the record on appeal, unless otherwise ordered by the Court.

IV. ELECTRONIC EXHIBIT BINDER

On or before the morning of trial, prior to jury selection, counsel for each party must provide the undersigned an **electronic** Exhibit Binder that contains all individual exhibits and joint exhibits each party intends to introduce at trial. Each exhibit must be saved as a PDF document and then combined with the other exhibits into a single PDF file. Within the single PDF file, counsel must identify each exhibit separately using PDF bookmarks.²

The Electronic Exhibit Binder must be emailed to the [Chambers' mailbox](#). Include the case number and case name in the email subject line. If the file containing the Electronic Exhibit Binder is too large to email, counsel should provide the Court with a single CD or DVD of the binder. Please direct questions to the Courtroom Deputy Clerk.

² If an exhibit is physical evidence (e.g., drugs, ammunition, firearm), counsel should insert a placeholder exhibit that states, "Exhibit [Number] is [description of exhibit]." If an exhibit contains child pornographic images, counsel should either (a) provide a redacted version of the exhibit, or (b) insert a placeholder exhibit that states, "Exhibit [Number] contains child pornographic images."