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CIVIL ACTION NO. _____

JOINT PRETRIAL ORDER

Appearance of Counsel

List the parties, their respective counsel, and the addresses and telephone numbers of counsel in separate paragraphs.

Statement of the Case

Give a brief statement of the case for the information of the court and/or jury, which the court may read to the jury panel to ascertain whether any panelists are acquainted with the facts or parties involved in the case. Include names, dates, and places.

Jurisdiction

Briefly set out why the court has full and complete jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state the problem.

Motions

List any pending motions.

Contentions of the Parties

State concisely in separate paragraphs what each party claims.

Admissions of Fact

List all facts that require no proof.

Contested Issues of Fact

List all facts in controversy necessary to the final disposition of the case.

Agreed Applicable Propositions of Law

State the legal principles governing this case that are not in dispute.

Contested Issues of Law

State briefly the disputed issues of law. **MEMORANDA OF AUTHORITIES MUST BE FILED TO ADDRESS EACH OF THE ISSUES THAT AFFECT THE CASE.**

Exhibits

Each counsel shall attach to the joint pretrial order two (2) copies of a list on a form substantially similar to that attached of all exhibits expected to be offered. Counsel shall make the exhibits available for examination by opposing counsel on or before the date the joint pretrial order is due. This rule does not apply to rebuttal exhibits or those the use of which cannot be anticipated.

All counsel requiring authentication of an exhibit must notify the offering counsel in writing within three (3) business days after the exhibit is made available. Failure to object in writing concedes authenticity.

The court will admit into evidence all exhibits listed in the final pretrial order unless opposing counsel files written objections with authorities by the date set forth in the scheduling order. The filing should include copies of the disputed exhibit and relevant authority.

The offering party shall mark his or her own exhibits before trial to include the party's name, case number, and exhibit number on each exhibit, unless joint exhibits are to be used and marked accordingly. If an exhibit has multiple pages, each page must be numbered consecutively.

Witnesses

Each counsel shall attach two (2) copies of a list in a form substantially similar to that attached setting forth the names and addresses of each witness who will or may be called at trial in the order of their appearance, including a brief statement of the subject matter and substance of their testimony, as well as the estimated time for their examination. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. Objections to those portions (citing pages and lines) with supporting authority shall be filed by the date set forth in the scheduling order.

Counsel shall submit a written summary of the qualifications of each expert witness. The court expects the attorneys to prove their witnesses' expertise through examination.

Include in this section the following statement:

“In the event there are any other witnesses to be called at the trial, their names, addresses, and the subject matter of their testimony shall be reported to opposing counsel as soon as they are known. This restriction shall not apply to rebuttal or impeachment witnesses, the necessity of whose testimony cannot reasonably be anticipated before the time of trial.”

Settlement

Include a statement as to the status of settlement negotiations, and, if applicable, that all settlement efforts have been exhausted. State the current settlement demand and offer and whether the case can reasonably be expected to settle.

Trial

Include in this paragraph the following:

- (a) Whether trial will be jury or non-jury;
- (b) Probable length of trial;
- (c) Availability of witnesses;
- (d) Any foreseeable logistical problems.

Additional Required Attachments

For jury trials, include the following IN DUPLICATE, WITH ONE CD-ROM IN WORDPERFECT FORMAT CONTAINING THE CHARGE AND INTERROGATORIES, TO BE DELIVERED TO CHAMBERS:

- (a) Proposed questions for the voir dire examination;
- (b) Agreed charge, including proposed jury instructions, definitions, interrogatories, and authority;
- (c) **Memoranda of law on disputed issues of law;**
- (d) **Motions in limine.**

For non-jury trials, include the following **IN DUPLICATE, WITH ONE CD-ROM IN WORDPERFECT FORMAT CONTAINING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, TO BE DELIVERED TO CHAMBERS:**

- (a) Proposed findings of fact and conclusions of law separating those agreed from those in dispute. The conclusions of law must include citation of authority.
- (b) **Memoranda of law on disputed issues of law.**

Date

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

APPROVED:

Counsel for Plaintiff(s)

Date

Counsel for Defendant(s)

Date