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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Plaintiff,)
)
 vs.) CIV
) FINAL PRETRIAL ORDER
 Defendant(s),)
)
)

This Final Pretrial Order supersedes the pleadings and shall govern the trial and further proceedings in this case.

A. STATEMENT OF JURISDICTION. Cite the statute(s) which gives this Court jurisdiction:

(example - Jurisdiction in this case is based on diversity of citizenship under Title 28 U.S.C. §1332.)

B. NATURE OF ACTION. Provide a concise statement of the type of case, the cause of the action, and the relief sought:

(example - This is a products liability case wherein the plaintiff seeks damages for personal injuries sustained when he fell from the driver's seat of the

1 forklift. The plaintiff contends that the forklift was
2 defectively designed and manufactured by the defendant
3 and the defects were a producing cause of his injuries
4 and damages.)

4 C. CONTENTIONS OF THE PARTIES. With respect to each
5 count of the complaint, counterclaim or cross-claim, and to any
6 defense, affirmative defense, or the rebuttal of a presumption
7 where the burden of proof has shifted, the party having the
8 burden of proof shall list the elements or standards that must be
9 proved in order for the party to prevail on that claim or
10 defense:

11 (example - In order to prevail on this products
12 liability case, the plaintiff, must prove the following
13 elements...)

13 example - In order to defeat this products liability
14 claim based on the statute of limitations or repose,
15 the defendant must prove the following elements...

15 D. STIPULATION AND UNCONTESTED FACTS

16 E. CONTESTED ISSUES OF FACT AND LAW (See and refer to
17 subpart C above)

18 F. LIST OF WITNESSES. Include or separately attach a
19 list(s) of witnesses, identifying each as either plaintiff's or
20 defendant's witnesses and indicating whether the witness is a
21 fact or expert witness.

22 G. LIST OF EXHIBITS. Include or separately attach a
23 list(s) of numbered exhibits, identifying each as either
24 plaintiff's or defendant's, with a description of each containing
25 sufficient information to identify the exhibit, indicating
26 whether there is an objection to its admission and, if so, the
27 nature of the objection(s) anticipated. The actual exhibits must
28 be later marked according to instructions which will be provided

1 at the final pre-trial conference.

2 H. LIST OF DEPOSITIONS. Include or separately attach
3 those portions of depositions that will be read at trial by each
4 party listed by page and line number, whether there is an
5 objection to each passage and, if so, the nature of the
6 objection.

7 I. MOTIONS IN LIMINE. Motions in Limine are intended
8 to encompass only significant evidentiary issues and are
9 generally discouraged. Such motions, if allowed,
10 shall be filed by _____, 200__. Any responses
11 shall be filed by _____, 200__. No replies may be
12 filed without permission of the court. Motions in Limine are
13 deemed submitted without argument.

14 J. LIST OF ANY PENDING UNRULED UPON MOTIONS

15 K. PROBABLE LENGTH OF TRIAL

16 For a Bench Trial

17 L. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

18 shall be simultaneously filed by _____
19 _____, 200__.

20 For a Jury Trial

21 M. INSTRUCTIONS. The parties shall seek to stipulate
22 to jury instructions and any stipulated jury instructions shall
23 be filed _____, 200__. Instructions
24 which are not agreed upon shall include citation to authority
25 which shall not exceed one page per instruction and shall be
26 filed by _____, 200__. Objections to
27 any non-agreed upon instruction shall include citation to
28 authority which shall not exceed on page per instruction and may

1 be filed and by _____, 200__.

2 N. VOIR DIRE QUESTIONS. Any proposed voir dire questions
3 shall be filed by _____, 200__.

4 O. CERTIFICATIONS. The undersigned counsel for each of
5 the parties in this action do hereby certify and acknowledge the
6 following:

7 1. All discovery has been completed.

8 2. The identity of each witness has been disclosed
9 to opposing counsel.

10 3. Each exhibit listed herein (a) is in existence;
11 and (b) has been disclosed and shown to opposing counsel.

12 APPROVED AS TO FORM AND CONTENT:

13

14 _____
15 Attorney for Plaintiff

Attorney for Defendant

16

17 THIS JOINT PRETRIAL ORDER IS HEREBY APPROVED AND TRIAL IS
18 SET FOR _____, 200__ AT 9:00 A.M, COURTROOM 606,
19 Sixth Floor, Sandra Day O'Connor United States Courthouse, 401 W.
20 Washington St., Phoenix, Arizona; COUNSEL SHALL APPEAR AT 8:30
21 A.M.

22 DATED this ____ day of _____, 200__.

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ROBERT C. BROOMFIELD
SENIOR UNITED STATES DISTRICT JUDGE

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