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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

)	CV-___ - _____ PHX-MHM
	Plaintiff(s),)	
	v.)	PROPOSED FINAL PRETRIAL ORDER FOR BENCH TRIAL
)	
	Defendant(s).)	

The following is the joint Proposed Final Pretrial Order to be considered at the Final Pretrial Conference set for _____, 200_ at _____ .

A. TRIAL COUNSEL FOR THE PARTIES

Include mailing addresses, office phone numbers, fax numbers, and email addresses.

Plaintiff(s):

Defendant(s):

B. STATEMENT OF JURISDICTION.

1. Cite the statute(s) that gives this Court jurisdiction. (E.g., “Jurisdiction in this case is based on diversity of citizenship under Title 28 U.S.C. §1332.”)

2. State whether jurisdiction is or is not disputed. (If jurisdiction is disputed, then the party contesting jurisdiction must set forth with specificity the bases for its objection.)

C. STIPULATIONS AND UNCONTESTED FACTS AND LAW

1. The following material facts are admitted by the parties and require no proof:

1 2. The following material facts, although not admitted, will not be contested at
2 trial by evidence to the contrary:

3 3. The following issues of law are uncontested and stipulated to by the parties:

4 **D. CONTESTED ISSUES OF FACT AND LAW**

5 1. The following are the material issues of fact to be tried and decided: (Each
6 issue of fact must be stated separately and in specific terms. Each party's contention must
7 be set forth with respect to each and every issue of fact.)

8 E.g., Issue # 1: Whether Plaintiff used due care.

9 Plaintiff Contends: Plaintiff looked both ways before crossing street

10 Defendant Contends: Plaintiff ran out into the street without looking

11 2. The following are the issues of law to be determined: (Each issue of law must
12 be stated separately and in specific terms. Each party's contention must be set forth with
13 respect to each and every issue of law.)

14 E.g., Issue # 1: Whether Plaintiff's suit is barred by the doctrine of laches.

15 Plaintiff Contends: . . .

16 Defendant Contends: . . .

17 Each party must file a short trial brief on all contested issues of law contemporaneously with
18 the filing of the Proposed Final Pretrial Order.

19 **E. LIST OF WITNESSES**

20 Each party must separately list the names of witnesses, their addresses, whether they
21 are fact or expert witnesses, and a brief description of the testimony of each witness. The
22 witnesses must be grouped as follows: (a) witnesses who will be called at trial; (b) witnesses
23 who may be called at trial; (c) witnesses who are unlikely to be called at trial. Additionally,
24 the parties must include the following text in this section of the Proposed Final Pretrial
25 Order: "Each party understands that it is responsible for ensuring that the witnesses it wishes
26 to call to testify are subpoenaed. Each party further understands that any witness a party
27 wishes to call must be listed on that party's list of witnesses; the party cannot rely on the
28 witness having been listed or subpoenaed by another party."

1 **F. LIST OF EXHIBITS**

2 1. The following exhibits are admissible in evidence and may be marked in
3 evidence by the Clerk:

4 a. Plaintiff's Exhibits:

5 b. Defendant's Exhibits:

6 2. As to the following exhibits, the parties have reached the following
7 stipulations:

8 a. Plaintiff's Exhibits:

9 b. Defendant's Exhibits:

10 3. As to the following exhibits, the party against whom the exhibit is to be offered
11 objects to the admission of the exhibit and offers the objection stated below:

12 a. Plaintiff's Exhibits: (E.g., City Hospital records of Plaintiff from March
13 6, 1985 through March 22, 1985. Defendant objects for lack of foundation
14 because . . . (the objection must specify why there is a lack of foundation.))

15 b. Defendant's Exhibits: (E.g., Payroll records of Plaintiff's employer
16 that evidence payment of Plaintiff's salary during hospitalization and
17 recovery. Plaintiff objects on grounds of relevance and materiality because ...
18 (the objection must specify why the exhibit is not relevant or material.))

19 If there are more than 20 exhibits, the parties must submit their exhibit lists in writing, the
20 day before trial, in a format to be designated by the Court at the Final Pretrial Conference,
21 in WordPerfect® 9.0 or higher (or compatible) format by email to
22 Murguia_Chambers@azd.uscourts.gov.

23 4. The parties must include the following text in this section of the Proposed Final
24 Pretrial Order: "Each party hereby acknowledges by signing this joint Proposed Final
25 Pretrial Order that any objections not specifically raised herein are waived."

26 **G. DEPOSITIONS TO BE OFFERED**

27 The parties must list the depositions that may be used at trial. The portions to be read
28 or submitted at trial must be identified by page and line number. Additionally, the party

1 offering the deposition must provide the Court with a copy of the offered deposition
2 testimony. The offering party shall highlight, in color, the portions of the deposition to be
3 offered. If multiple parties are offering the same deposition, only one copy of such
4 deposition must be provided. Such copy must contain each party's highlighting (each party
5 should use a different color).

6 Any party objecting to the admission in evidence of any portion of a deposition must
7 identify by page and line number the portion to which objection is made and must
8 specifically state the grounds for objection.

9 The parties must include the following text in this section of the joint Proposed Final
10 Pretrial Order: "Each party hereby acknowledges by signing this joint Proposed Final
11 Pretrial Order that any deposition not listed as provided herein will not be allowed, absent
12 good cause."

13 **H. LIST OF PENDING MOTIONS**

14 List all pending motions.

15 **I. PROCEDURES FOR EXPEDITING TRIAL**

16 The parties shall discuss and report on all available procedures that might be used to
17 expedite trial, including but not limited to (a) presenting stipulated summaries of deposition
18 testimony rather than reading deposition excerpts; (b) editing videotaped depositions to limit
19 the amount of time required for presentation; (c) using summary exhibits in place of
20 voluminous documentary evidence; (d) stipulations on authenticity and foundation; (e)
21 presenting direct expert testimony through summary or written reports; (f) using the
22 courtroom technology to expedite the presentation of evidence. The parties are invited to
23 contact Kristen Parris, Judge Murguia's Courtroom Deputy Clerk, to arrange a time to visit
24 the courtroom and examine its technology. Information about courtroom technology can also
25 be found at www.azd.uscourts.gov under Judicial Officer Information.

26 **K. ESTIMATED LENGTH OF TRIAL**

27 _____ hours for opening statements and closing arguments

28 _____ hours for Plaintiff(s) case, including cross-examination of other parties'

1 witnesses

2 _____ hours for Defendant(s) case, including cross-examination of other parties'

3 witnesses

4 _____ hours for Plaintiff(s) rebuttal

5 _____ TOTAL ESTIMATED TIME

6 **L. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**
7 **BENCH TRIALS**

8 Proposed Findings of Fact and Conclusions of Law must be lodged by each party as
9 a separate pleading. They must be submitted in WordPerfect® 9.0 or higher (or compatible)
10 format by email to Murguia_Chambers@azd.uscourts.gov. The parties must include the
11 following text in this section of the Proposed Final Pretrial Order: “The separately lodged
12 Proposed Findings of Fact and Conclusions of Law are incorporated by reference into this
13 joint Proposed Final Pretrial Order.”

14 **M. CERTIFICATIONS**

15 The parties must include the following text in this section of the Proposed Final
16 Pretrial Order: “The undersigned counsel for each of the parties in this action do hereby
17 certify and acknowledge the following:

- 18 1. All discovery has been completed.
- 19 2. The identity of each witness has been disclosed to opposing counsel.
- 20 3. Each exhibit listed herein: (1) is in existence; and (2)
21 has been disclosed and shown to opposing counsel.
- 22 4. The parties have complied in all respects with the mandates of the
23 Court’s Rule 16 Scheduling Order and Order Setting Final Pretrial
24 Conference.
- 25 5. The parties have made all of the disclosures required by the Federal
26 Rules of Civil Procedure (unless otherwise previously ordered to the
27 contrary).
- 28 6. The parties acknowledge that once this Proposed Final Pretrial
Order has been signed and lodged by the parties, no amendments to this

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Order can be made without leave of Court."

N. INFORMATION FOR COURT REPORTER

In order to facilitate the creation of an accurate record, please file a "Notice to Court Reporter" one week before trial containing the following information that may be used at trial:

1. Proper names, including those of witnesses.
2. Acronyms.
3. Geographic locations.
4. Technical (including medical) terms, names or jargon.
5. Case names and citations.

Please also send (or transmit electronically) to the court reporter a copy of the concordance from key depositions.

Attorney for Plaintiff(s)

Attorney for Defendant(s)

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Based on the foregoing,

IT IS HEREBY ORDERED that this Proposed Final Pretrial Order jointly submitted by the parties is hereby **APPROVED** and **ADOPTED** as the official Pretrial Order of this Court.

DATED this ____ day of _____, 200_.

Mary H. Murguia
United States District Judge