

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

❖,)	CV ❖ PHX NVW
	Plaintiff,)	
	v.)	ORDER SETTING FINAL PRETRIAL CONFERENCE
)	
❖,)	
	Defendant.)	

Pursuant to Rule 16(d) of the Federal Rules of Civil Procedure, a Final Pretrial Conference shall be held on ❖ in Courtroom 504, Sandra Day O'Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix, Arizona 85003. In preparation for this Final Pretrial Conference, IT IS HEREBY ORDERED:

1. The attorneys who will be responsible for the trial of the case shall attend the Final Pretrial Conference.
2. The parties jointly shall prepare a Proposed Final Pretrial Order and shall lodge it with the Court no later than **4:00 p.m.** on ❖ [*three weeks prior to FPTC.*] Preparation and lodging of the Proposed Final Pretrial Order in accordance with the requirements of this Order shall be deemed to satisfy the disclosure requirements of Rule 26(a)(3) of the Federal Rules of Civil Procedure. The parties shall submit a copy of the Proposed Final Pretrial Order to the Court in WordPerfect® 9.0 or higher (or compatible) format by email to Wake_Chambers@azd.uscourts.gov.

1 3. The Proposed Final Pretrial Order shall include the information prescribed in
2 the Joint Proposed Final Pretrial Order form found at www.azd.uscourts.gov under Judges
3 & Courtrooms/Orders, Forms and Procedures/Judge Wake. Information shall not be set
4 forth in the form of a question, but shall be presented in concise narrative statements.

5 4. Pursuant to Federal Rule of Civil Procedure 37(c), the Court will not allow the
6 parties to offer any exhibit, witness, or other evidence that was not disclosed in accordance
7 with the provisions of this Order and the Federal Rules of Civil Procedure and listed in the
8 Proposed Final Pretrial Order, except to prevent manifest injustice.

9 5. The parties shall exchange drafts of the Proposed Final Pretrial Order no later
10 than **14 days** before the submission deadline. The Plaintiff(s) shall have the burden of
11 initiating communications concerning the Proposed Final Pretrial Order.

12 6. The parties shall (a) meet in person and exchange copies of all exhibits to be
13 used at trial no later than **14 days** before the submission deadline for the Proposed Final
14 Pretrial Order (any exhibit not exchanged at this meeting shall be precluded at trial); and (b)
15 eliminate any duplicate exhibits while meeting to exchange exhibits.

16 7. The parties shall file and serve all motions in limine no later than ♦ [*three*
17 *weeks prior to FPTC*]. Responses to motions in limine shall be filed on or before ♦ [*one*
18 *week prior to FPTC*]. No replies will be permitted. Each motion in limine shall include
19 proposed language for the order in limine being sought from the Court, and the proposed
20 language shall state with precision the evidence that is subject to the proposed order and the
21 limitation or exclusion placed on the evidence. Counsel shall be prepared to argue the merits
22 of such motions at the Final Pretrial Conference.

23 8. If this case will be tried to a jury, the parties shall complete the following tasks
24 by the time of the lodging of the Proposed Final Pretrial Order:

25 (a) The parties shall file a stipulated description of the case to be read to the jury.

26 (b) The parties shall jointly file a proposed set of voir dire questions. The voir dire
27 questions shall be drafted in a neutral manner. To the extent possible, the parties shall
28

1 stipulate to the proposed questions. If the parties have any disagreement about a particular
2 question, they shall state the reason for their objection below the question. The parties shall
3 also provide, for the purposes of voir dire, a joint master list of the names of every witness
4 who may be called at trial.

5 (c) The parties shall file proposed jury instructions in accordance with "Guidelines
6 for Jury Instructions in Civil Cases" found at www.azd.uscourts.gov under Judges &
7 Courtrooms/Orders, Forms and Procedures/Judge Wake.

8 (d) Each party shall file a proposed form of verdict, including any proposed special
9 verdict forms or juror interrogatories.

10 (e) The joint statement of the case, proposed voir dire questions, proposed jury
11 instructions, and forms of verdict shall be submitted in WordPerfect® 9.0 or higher (or
12 compatible) format by email to Wake_Chambers@azd.uscourts.gov.

13 9. If the case will be tried to the Court, each party shall lodge proposed findings
14 of fact and conclusions of law with the Proposed Final Pretrial Order. The proposed findings
15 of fact and conclusions of law shall also be submitted in WordPerfect® 9.0 or higher (or
16 compatible) format by email to Wake_Chambers@azd.uscourts.gov.

17 10. The parties shall be prepared to advise the Court at the Final Pretrial
18 Conference of the status of settlement discussions. Should settlement be reached at any time,
19 the parties promptly shall file a Notice of Settlement with the Clerk of the Court.

20 11. Counsel shall review Judge Wake's statement of Trial Conduct and Decorum
21 before the Final Pretrial Conference. A copy can be found on the Court's website at
22 www.azd.uscourts.gov under Judges & Courtrooms/Orders, Forms and Procedures/Judge
23 Wake.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

12. Full and complete compliance with this Order shall be required by the Court.
IT IS ORDERED setting trial to ❖ on ❖. Estimated length of trial: ❖ days.