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

Plaintiff,

v.

,

Defendants.

No. CV
**ORDER SETTING FINAL
PRETRIAL CONFERENCE**

Pursuant to Rule 16(d) of the Federal Rules of Civil Procedure, a Final Pretrial Conference shall be held on _____ in Courtroom 601, Sandra Day O'Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix, Arizona 85003. In preparation for the Final Pretrial Conference, it is hereby ordered:

1. Attendance Required. The attorneys (or *pro se* parties) who will be responsible for the trial of the case must attend the Final Pretrial Conference. The attendees must bring their calendars so trial scheduling can be discussed.

2. Proposed Final Pretrial Order.

Timing: The parties must jointly prepare a Proposed Final Pretrial Order and file it with the Court at least three business days before the Final Pretrial Conference. The parties must exchange drafts of the Proposed Final Pretrial Order no later than 14 days before the submission deadline. The Plaintiff(s) has the burden of initiating such communications. The parties also must submit a copy of the Proposed Final Pretrial Order to the Court in Word format to lanza_chambers@azd.uscourts.gov.

1 *Effect:* Preparation and lodging of the Proposed Final Pretrial Order in accordance
2 with the requirements of this Order will be deemed to satisfy the disclosure requirements
3 of Rule 26(a)(3) of the Federal Rules of Civil Procedure.

4 *Content:* The Proposed Final Pretrial Order must include the information prescribed
5 in the “Joint Proposed Final Pretrial Order” form that is available at www.azd.uscourts.gov
6 under: Judges’ Information → Orders, Forms and Procedures → Dominic W. Lanza. The
7 information may not be set forth in the form of a question and must be presented in concise
8 narrative statements.

9 3. Marking of Exhibits. The parties must meet in person to exchange marked
10 copies of all exhibits to be used at trial no later than 14 days before the submission deadline
11 for the Proposed Final Pretrial Order. During this meeting, the parties also must eliminate
12 any duplicate exhibits.¹ Further information about the Court’s exhibit marking procedures
13 can be found in the document entitled “Exhibit Procedures,” which is available at
14 www.azd.uscourts.gov under: Judges’ Information → Orders, Forms and Procedures →
15 Dominic W. Lanza.

16 4. Preclusion of Undisclosed Matters. The parties are advised that the Court
17 will not allow the parties to offer any exhibit, witness, or other evidence that was not
18 disclosed in accordance with this Order and the Federal Rules of Civil Procedure and listed
19 in the Proposed Final Pretrial Order, except to prevent manifest injustice.

20 5. Motions in Limine. If this case will be tried to the Court, the parties may not
21 file motions in limine. If this case will be tried to a jury, the parties must file all motions
22 in limine no later than _____. Each party may file no more than five motions in limine.

23 _____
24 ¹ During the in-person meeting, the exhibits must be in the exact physical form that
25 will be used at trial. In other words, if a party intends to offer a paper exhibit at trial, that
26 party must have a marked paper copy at the in-person meeting, not an electronic copy.
27 Also, the parties should mark their exhibits exactly as they intend to offer them at trial.
28 During trial, exhibits will be admitted or rejected in their entirety. Thus, if any part of an
exhibit is objectionable, it will be excluded in its entirety. The parties will not be permitted
to break offered exhibits into admissible sub-parts if an objection is sustained.

1 Responses must be filed no later than _____. No replies are permitted. Each
2 motion in limine must include proposed language for the order being sought from the
3 Court, and the proposed language must state with precision the evidence that is subject to
4 the proposed order and the limitation or exclusion placed on the evidence. The motions
5 and responses must be concise and must not exceed three (3) pages in length. Counsel
6 shall be prepared to argue the merits of such motions at the Final Pretrial Conference.

7 6. Other Case-Related Documents (Jury Trial). If this case will be tried to a
8 jury, the parties must—by the deadline for filing the Proposed Final Pretrial Order—file
9 the following documents (and submit copies of these documents in Word format to the
10 chambers email address):

- 11 a. A stipulated joint statement of the case, which will be read to the jury.
- 12 b. A proposed set of voir dire questions. To the extent possible, the
13 parties should stipulate to the proposed questions. If the parties have
14 any disagreement about a particular question, they must state the
15 reason for their objection below the question.
- 16 c. A joint master list of the names of every witness who may be called
17 at trial, to be used during voir dire.
- 18 d. Proposed forms of verdict, including any proposed special verdict
19 forms or juror interrogatories.
- 20 e. A joint list of proposed jury instructions. The joint list must contain
21 the following four sections:
 - 22 (1) A list of all applicable Ninth Circuit Model Civil Jury
23 Instructions, which are available at
24 <http://www3.ce9.uscourts.gov/jury-instructions/model-civil>.
25 If a model instruction is requested by both parties, the
26 instruction shall be preceded by “ST” (stipulated-to). If the
27 instruction is requested by only one party, the instruction shall
28 be preceded by either “PL” (Plaintiff) or “DF” (Defendant).

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(2) Any non-model instructions to which the parties have stipulated, with only one instruction per page.

(3) Any non-model instructions requested by Plaintiff (numbered consecutively), with only one instruction per page. Plaintiff shall include citation to authority to support the requested instruction. Defendant shall state all objections to such instruction immediately following the instruction and Plaintiff’s authority. Defendant shall support any objection with citation to authority. If Defendant offers an alternative instruction, such alternative instruction shall immediately follow Defendant’s objection.

(4) Any non-model instructions requested by Defendant (numbered consecutively), with only one instruction per page. Defendant shall include citation to authority to support the requested instruction. Plaintiff shall state all objections to such instruction immediately following the instruction and Defendant’s authority. Plaintiff shall support any objection with citation to authority. If Plaintiff offers an alternative instruction, such alternative instruction shall immediately follow Plaintiff’s objection.

7. Other Case-Related Documents (Bench Trial). If this case will be tried to the Court, the parties must—by the deadline for filing the Proposed Final Pretrial Order—file proposed findings and fact and conclusions of law (and submit copies of the same in Word format to the chambers email address).

8. Settlement Discussions: The parties must be prepared to advise the Court at the Final Pretrial Conference of the status of settlement discussions. Should settlement be reached at any time, the parties must promptly file a Notice of Settlement with the Clerk of the Court.

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9. Compliance Required. The Court wishes to emphasize to the parties that it views compliance with the provisions of this Order as critical to its case management responsibilities and to the responsibilities of the parties under Rule 1 of the Federal Rules of Civil Procedure. Thus, full and complete compliance with this Order is required.