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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

,) No.
Plaintiffs,)
v.) **ORDER SETTING**
) **FINAL PRETRIAL CONFERENCE**
)
,)
Defendants.)

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court enters the following Order.

IT IS ORDERED as follows:

I. FINAL PRETRIAL CONFERENCE

A Final Pretrial Conference is set for **Month Day, Year**, before the Honorable Alison S. Bachus, United States Magistrate Judge, in Courtroom ____, Sandra Day O'Connor United States Courthouse, 401 West Washington Street, Phoenix, Arizona 85003. Counsel who will be responsible for trial of the lawsuit for each party, and any party that is not represented by counsel, shall appear and participate in the Final Pretrial Conference. The parties shall bring their calendars in preparation to discuss trial scheduling.

II. JOINT PROPOSED FINAL PRETRIAL ORDER

The parties shall develop and exchange drafts of the Joint Proposed Final Pretrial Order no later than **fourteen (14) calendar days** before the submission deadline. The

1 Joint Proposed Final Pretrial Order shall include, but not be limited to, the content
2 prescribed in the Court’s Joint Proposed Pretrial Order found on the Court’s website at
3 www.azd.uscourts.gov, under Judges’ Info → Judges’ Orders, Forms & Procedures →
4 Bachus, Alison S.

5 The parties shall *jointly* lodge the Joint Proposed Final Pretrial Order with the
6 Clerk of Court no later than [2 weeks before FPTC date].¹ The parties shall also email the
7 Joint Proposed Final Pretrial Order to Bachus_Chambers@azd.uscourts.gov in Microsoft
8 Word format.

9 **III. JURY TRIAL PLEADINGS**

10 If the case is to be tried by jury, **contemporaneously with the filing of the Joint**
11 **Proposed Final Pretrial Order**, the parties shall also *jointly* file with the Clerk of Court,
12 and email to Bachus_Chambers@azd.uscourts.gov in Microsoft Word format, each of the
13 following:

14 **1. Joint Stipulated Description of the Case**

15 The parties shall jointly file as a separate pleading a stipulated description of the
16 case to be read to the jury. If the parties have any disagreement about the statement, the
17 party objecting shall state the reason for its objection below the statement and offer an
18 alternative statement.

19 **2. Joint Proposed Voir Dire Questions and Lists**

20 The parties shall jointly file as a separate pleading Joint Proposed Voir Dire. The
21 Court’s standard voir dire questions in civil matters can be found on the Court’s website,
22 www.azd.uscourts.gov, under Judges’ Info → Judges’ Orders, Forms & Procedures →
23 Bachus, Alison S. Additional questions proposed by the parties shall be drafted in a
24 neutral manner. To the extent possible, the parties shall stipulate to the proposed voir
25 dire questions. If the parties have any disagreement about a particular question, the party

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27 ¹ Preparation and lodging of the Joint Proposed Final Pretrial Order and Trial
28 Pleadings 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.

1 objecting shall state the reason for its objection below the question.

2 In the section entitled “Witnesses and Third Parties” the parties shall list the name
3 of every witness who may be called at trial. The parties shall also list the name of any
4 third party materially relevant to this case (but who will not be called as a witness) whose
5 relationship with a juror could affect their ability to serve fairly and impartially.

6 **3. Joint Proposed Jury Instructions**

7 The parties shall jointly file as a separate pleading Joint Proposed Jury Instructions
8 using the Court’s Guidelines for Jury Instructions in Civil Cases, which may be found at
9 www.azd.uscourts.gov, Judges’ Info → Judges’ Orders, Forms & Procedures → Bachus,
10 Alison S.

11 Absent a showing of good cause, the failure to: (1) submit a proposed instruction;
12 (2) follow the Court’s directions; or (3) make a timely objection as provided by this
13 Order shall result in the instruction being refused or the objection being deemed waived.

14 **4. Joint Proposed Forms of Verdict**

15 The parties shall file as a separate pleading Joint Proposed Forms of Verdict. The
16 proposed form of verdicts to be given to the jury at the end of the trial shall include any
17 proposed special verdict forms or juror interrogatories. If the parties have any
18 disagreement about the form of verdict, the party objecting shall state the reason for its
19 objection below the proposed verdict and offer an alternative verdict.

20 **IV. BENCH TRIAL PLEADINGS**

21 **Proposed Findings of Fact and Conclusions of Law.** If the case is to be tried by
22 the Court (Bench Trial), contemporaneously with the filing of the Joint Proposed Final
23 Pretrial Order, *each party* shall file with the Clerk of Court Proposed Findings of Fact
24 and Conclusions of Law. The parties shall also email the Proposed Findings of Fact and
25 Conclusions of Law to Bachus_Chambers@azd.uscourts.gov in Microsoft Word format.

26 **V. MOTIONS IN LIMINE**

27 If the case is to be tried by jury, the parties shall file and serve *all* motions in
28 limine no later than **fourteen (14) calendar days** prior to the Final Pretrial Conference.

1 Responses to motions in limine are due no later than **seven (7) calendar days** prior to the
2 Final Pretrial Conference. Unless prior leave of Court is obtained for good cause shown,
3 no party shall file more than five (5) motions in limine. The motions and responses must
4 be concise and shall not exceed three (3) pages in length. No replies shall be filed.

5 Each motion in limine shall include the legal basis supporting it and the proposed
6 language for the order in limine being sought from the Court. The parties are reminded
7 that the purpose of motions in limine is to “exclude anticipated prejudicial evidence
8 before the evidence is actually offered.” *Luce v. United States*, 469 U.S. 38, 40 n.2
9 (1984). “A motion in limine is not the proper vehicle for seeking a dispositive ruling on a
10 claim, particularly after the deadline for filing such motions has passed.” *Hana Fin., Inc.*
11 *v. Hana Bank*, 735 F.3d 1158, 1162 n.4 (9th Cir. 2013). The proposed language shall
12 state with precision the evidence that is subject to the proposed order and the limitation or
13 exclusion placed on the evidence. The parties shall be prepared to argue the merits of
14 such motions at the Final Pretrial Conference.

15 **VI. EXHIBITS**

16 No later than **fourteen (14) calendar days** before the submission deadline for the
17 Joint Proposed Final Pretrial Order, the parties shall meet in person and exchange marked
18 copies of all exhibits to be used at trial. While meeting to exchange exhibits, the parties
19 shall eliminate any duplicate exhibits. The numbering of the exhibits as listed in the Joint
20 Proposed Final Pretrial Order shall correspond to the numbering of the exhibits at trial.
21 Any exhibit not marked and exchanged at this meeting shall be precluded at trial.²

22 Exhibits shall be delivered to the Courtroom Deputy no later than **48 hours** prior
23 to trial. Impeachment exhibits shall be delivered to the Courtroom Deputy on the **first**
24 **day of trial** (not the day a witness testifies). A courtesy copy of the exhibits shall be
25 provided to the Court at the time of the delivery of the trial exhibits. The parties shall

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27 ² The parties shall be permitted to use Microsoft PowerPoint presentations during
28 their openings statements and closing arguments. Presentations must be disclosed to the
opposing party no later than **24 hours** prior to its use.

1 mark, list, and deliver exhibits in the manner discussed at the Final Pretrial Conference.

2 During trial, the parties shall advise the Courtroom Deputy in advance (preferably
3 in writing) which exhibits will be needed for each witness. All exhibits shall be shown to
4 opposing counsel before being offered.

5 **VII. DEPOSITIONS**

6 Portions of depositions to be used at trial shall be delivered to the Courtroom
7 Deputy no later than **48 hours** prior to trial. The parties may coordinate delivery by
8 emailing chambers at Bachus_Chambers@azd.uscourts.gov.

9 The portions of depositions to be read or submitted at trial shall be identified by
10 page and line number. Additionally, the party offering the deposition shall provide the
11 Court with a copy of the offered deposition testimony. The offering party shall highlight,
12 in color, the portions of the deposition to be offered. If multiple parties are offering the
13 same deposition, only one copy of such deposition shall be provided. Such copy shall
14 contain each party's highlighting (each party should use a different color).

15 **VIII. EXHIBIT AND WITNESS LISTS**

16 Exhibit and Witness Lists shall be filed no later than **five (5) business days** prior
17 to trial. Forms for those lists and instructions for marking exhibits may be found on the
18 Court's website, www.azd.uscourts.gov, under Judges' Info → Judges' Orders, Forms &
19 Procedures → Standard Forms Used By All Phoenix Judges. No other forms may be
20 used and the instructions shall be strictly followed. Both lists must also be submitted in
21 Microsoft Word format by email to Bachus_Chambers@azd.uscourts.gov no later than
22 (5) business days before trial.

23 **IX. INFORMATION FOR THE COURT REPORTER**

24 A "Joint Notice to Court Reporter" shall be filed no later than **five (5) business**
25 **days** prior to trial. The Notice shall contain the following information:

26 1. *Trial Terms and Names:*

- 27 a. Proper names, including those of witnesses;
28 b. Acronyms;

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- c. Geographic locations;
- d. Technical (including medical) terms, names or jargon;
- e. Case names and citations; and
- f. Pronunciation of unusual or difficult words or names;

2. *Feed and Transcript*: Whether either party requests a real-time feed and/or daily transcript of trial proceedings; and

3. *Deposition(s)*: Concordance from key depositions.

Counsel/parties shall advise the court reporter as soon as possible if they would like to receive a real-time feed or daily turnaround transcript of the proceedings.

X. SETTLEMENT

The parties shall keep the Court informed of the possibility of settlement and, should settlement be reached, the parties shall promptly present a Stipulation and Order of Dismissal for signature by the Court. Mere submission of a Notice of Settlement or notification by phone or email of settlement shall not suffice to vacate the trial date, nor excuse the parties from being ready and able to proceed with trial at the time and on the date set for trial. Filing a Notice of Settlement shall not prevent the assessment of jury fees notwithstanding Local Rule of Civil Procedure 40.2(c).

XI. TRIAL CONDUCT AND DECORUM

All parties and counsel shall read and abide by the Court’s rules regarding trial conduct and decorum, which may be found on the Court’s website at www.azd.uscourts.gov, under Judges’ Info → Judges’ Orders, Forms & Procedures → Bachus, Alison S.

ADVISAL BY THE COURT

Pursuant to Rule 37(c) of the Federal Rules of Civil Procedure, the Court will not allow the parties to offer an exhibit, a witness, or other information at trial that was not: (1) disclosed in accordance with the provisions of this Order; (2) disclosed in accordance with the provisions of the Federal Rules of Civil Procedure; and (3) listed in the Joint Proposed Final Pretrial Order, unless the offering party can show good cause as to why

1 such party failed to comply with these requirements.

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