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

x, Plaintiff(s), v. x, Defendant(s).	No. CV- PROPOSED FINAL PRETRIAL ORDER (BENCH TRIAL)
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The following is the joint Proposed Final Pretrial Order to be considered at the Final Pretrial Conference set for _____, 20__ at ____ a.m./p.m.

A. TRIAL COUNSEL FOR THE PARTIES

Include mailing addresses, office phone numbers, fax numbers, and email addresses.
Plaintiff(s):
Defendant(s):

Note: If a party/ies is/are unrepresented by counsel, the unrepresented party/ies' mailing addresses, best phone numbers, and email addresses shall be included here.

B. STATEMENT OF JURISDICTION

1. Cite the statute(s) which 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, the party contesting jurisdiction shall set forth with specificity the bases for the objection.)

1 **C. STIPULATIONS AND UNCONTESTED FACTS AND LAW**

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

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

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

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

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

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

11 Plaintiff Contends: Plaintiff looked both ways before crossing street

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

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

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

17 Plaintiff Contends: . . .

18 Defendant Contends: . . .

19 Each party shall file a short trial brief on all contested issues of law
20 contemporaneously with the filing of the Proposed Final Pretrial Order.

21 **E. LIST OF WITNESSES**

22 Each party shall separately list the names of witnesses, their addresses, whether they
23 are fact or expert witnesses, and a brief description of the testimony of each witness. The
24 witnesses shall be grouped as follows: (a) witnesses who shall be called at trial; (b)
25 witnesses who may be called at trial; and (c) witnesses who are unlikely to be called at
26 trial.

27 Additionally, the parties shall include the following text in this section of the
28 Proposed Final Pretrial Order: "Each party understands that it is responsible for ensuring

1 that the witnesses it wishes to call to testify are subpoenaed. Each party further understands
2 that any witness a party wishes to call shall be listed on that party's list of witnesses; the
3 party cannot rely on the witness having been listed or subpoenaed by another party."

4 **F. LIST OF EXHIBITS**

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

7 a. Plaintiff's Exhibits:

8 b. Defendant's Exhibits:

9 2. As to the following exhibits, the parties have reached the following
10 stipulations:

11 a. Plaintiff's Exhibits:

12 b. Defendant's Exhibits:

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

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

19 b. Defendant's Exhibits: (E.g., Payroll records of Plaintiff's employer
20 which evidence payment of Plaintiff's salary during hospitalization
21 and recovery. Plaintiff objects on grounds of relevance and
22 materiality because ... (the objection must specify why the exhibit is
23 not relevant or material.))

24 The parties shall file their exhibit lists and submit their exhibit lists in writing, five (5)
25 business days before trial, in Microsoft Word format by email to
26 Bachus_Chambers@azd.uscourts.gov.

1 4. The parties shall include the following text in this section of the Proposed
2 Final Pretrial Order: “Each party hereby acknowledges by signing this joint Proposed Final
3 Pretrial Order that any objections not specifically raised herein are waived.”

4 **G. DEPOSITIONS TO BE OFFERED**

5 The parties shall list the depositions that may be used at trial. The portions to be
6 read or submitted at trial shall be identified by page and line number. Additionally, the
7 party offering the deposition shall provide the Court with a copy of the offered deposition
8 testimony. The offering party shall highlight, in color, the portions of the deposition to be
9 offered. If multiple parties are offering the same deposition, only one copy of such
10 deposition shall be provided. Such copy shall contain each party’s highlighting. Each
11 party should use a different color, and a color chart shall be provided to the Court for
12 reference.

13 The parties shall include the following text in this section of the joint Proposed Final
14 Pretrial Order: “Each party hereby acknowledges by signing this joint Proposed Final
15 Pretrial Order that any deposition not listed as provided herein will not be allowed, absent
16 good cause.”

17 **H. LIST OF PENDING MOTIONS**

18 List all pending motions. No motions in limine may be filed for a bench trial.

19 **I. PROCEDURES FOR EXPEDITING TRIAL**

20 The parties shall discuss and report on all available procedures that might be used
21 to expedite trial, including but not limited to (a) presenting stipulated summaries of
22 deposition testimony rather than reading deposition excerpts; (b) editing videotaped
23 depositions to limit the amount of time required for presentation; (c) using summary
24 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity and
25 foundation; (e) presenting direct expert testimony through summary or written reports; and
26 (f) using the courtroom technology to expedite the presentation of evidence. The parties
27 are invited to contact Judge Bachus’ chambers at 602-322-7610 to arrange a time to visit
28 the courtroom and examine its technology. Information about courtroom technology can

1 also be found at www.azd.uscourts.gov under Judges' Info → Judges' Orders, Forms &
2 Procedures → Courtroom Technology.

3 **J. ESTIMATED LENGTH OF TRIAL**

4 ____ hours for opening statements and closing arguments

5 ____ hours for Plaintiff(s) case (including cross-examination)

6 ____ hours for Defendant(s) case (including cross-examination)

7 ____ hours for rebuttal

8 **K. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**
9 **BENCH TRIALS**

10 Proposed Findings of Fact and Conclusions of Law shall be lodged by each party as
11 a separate pleading in accordance with the instructions contained in the Order Setting Final
12 Pretrial Conference. The parties shall include the following text in this section of the
13 Proposed Final Pretrial Order: "The separately lodged Proposed Findings of Fact and
14 Conclusions of Law are incorporated by reference into this joint Proposed Final Pretrial
15 Order."

16 **L. CERTIFICATIONS**

17 The parties shall include the following text in this section of the Proposed Final
18 Pretrial Order: "The undersigned counsel for each of the parties (or each unrepresented
19 party, if applicable) in this action do hereby certify and acknowledge the following:

- 20 1. All discovery has been completed.
- 21 2. The identity of each witness has been disclosed to opposing counsel.
- 22 3. Each exhibit listed herein: (1) is in existence; (2) is numbered; and (3) has
23 been disclosed and shown to opposing counsel.
- 24 4. The parties have complied in all respects with the mandates of the Court's
25 Case Management Order and Order Setting Final Pretrial Conference.
- 26 5. The parties have made all of the disclosures required by the Federal Rules of
27 Civil Procedure (unless otherwise previously ordered to the contrary).

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6. The parties acknowledge that once this Proposed Final Pretrial Order has been signed and lodged by the parties, no amendments to this Order can be made without leave of Court.”

M. 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.
- 6. Pronunciation of unusual or difficult words or names.

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

PARTIES’ ASSENT:

_____	_____.
Attorney for Plaintiff(s)	Attorney for Defendant(s)

Note: If a party (or parties) is (are) unrepresented, the party/ies shall each create their own signature line, type their name under the line, and sign.

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COURT APPROVAL:

Based on the foregoing,

IT IS 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 _____, 20__.

Alison S. Bachus
United States Magistrate Judge