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

x, <div style="text-align: center; padding: 10px 0;">Plaintiff(s),</div> v. x, <div style="text-align: center; padding: 10px 0;">Defendant(s).</div>	No. CV-	<p style="margin: 0;">PROPOSED FINAL PRETRIAL ORDER (JURY TRIAL)</p>
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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 AND THIRD PARTIES**

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. The parties shall also separately list the name of any third party materially relevant
27 to this case (but who will not be called as a witness) whose relationship with a juror could
28 affect their ability to serve fairly and impartially.

1 Additionally, the parties shall include the following text in this section of the
2 Proposed Final Pretrial Order: “Each party understands that it is responsible for ensuring
3 that the witnesses it wishes to call to testify are subpoenaed. Each party further understands
4 that any witness a party wishes to call shall be listed on that party’s list of witnesses; the
5 party cannot rely on the witness having been listed or subpoenaed by another party.”

6 **F. LIST OF EXHIBITS**

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

9 a. Plaintiff’s Exhibits:

10 b. Defendant’s Exhibits:

11 2. As to the following exhibits, the parties have reached the following
12 stipulations:

13 a. Plaintiff’s Exhibits:

14 b. Defendant’s Exhibits:

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

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

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

26 The parties shall submit their exhibit lists in writing, five (5) business days before trial, in
27 a format to be designated by the Court at the Final Pretrial Conference, in Microsoft Word
28 format by email to 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. MOTIONS IN LIMINE**

18 Motions in limine shall be filed as separate pleadings and responded to in
19 accordance with the instructions contained in the Order Setting Final Pretrial Conference.

20 **I. LIST OF PENDING MOTIONS**

21 List all pending motions other than separately-filed motions in limine.

22 **J. PROCEDURES FOR EXPEDITING TRIAL**

23 The parties shall discuss and report on all available procedures that might be used
24 to expedite trial, including but not limited to (a) presenting stipulated summaries of
25 deposition testimony rather than reading deposition excerpts; (b) editing videotaped
26 depositions to limit the amount of time required for presentation; (c) using summary
27 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity and
28 foundation; (e) presenting direct expert testimony through summary or written reports; and

1 (f) using the courtroom technology to expedite the presentation of evidence. The parties
2 are invited to contact Judge Bachus' chambers at 602-322-7610 to arrange a time to visit
3 the courtroom and examine its technology. Information about courtroom technology can
4 also be found at www.azd.uscourts.gov under Judges' Info → Judges' Orders, Forms &
5 Procedures → Courtroom Technology.

6 **K. ESTIMATED LENGTH OF TRIAL**

7 _____ hours for opening statements and closing arguments

8 _____ hours for Plaintiff(s) case (including cross-examination)

9 _____ hours for Defendant(s) case (including cross-examination)

10 _____ hours for rebuttal

11 **L. JURY DEMAND**

12 State whether a jury trial has or has not been requested. If a jury trial has been
13 requested, indicate the appropriate selection:

- 14 1. The parties stipulate that the request was timely and properly made;
- 15 2. The parties stipulate that the request was timely and properly made, but
16 jointly withdraw any demand for jury trial and jointly consent to try this case
17 to the Court (bench trial); or
- 18 3. The Plaintiff/Defendant contends that the request was untimely made
19 because . . . (explain why request was untimely); or
- 20 4. The Plaintiff/Defendant contends that although the request for trial by jury
21 was timely, the request is otherwise improper as a matter of law because . . .
22 (indicate the legal basis for why a jury trial is improper).

23 **M. JOINT PROPOSED JURY INSTRUCTIONS, JOINT PROPOSED VOIR
24 DIRE QUESTIONS, AND PROPOSED FORMS OF VERDICT FOR JURY
25 TRIALS**

26 The joint Proposed Jury Instructions, joint Proposed Voir Dire Questions, and
27 Proposed Forms of Verdict shall be filed in accordance with the instructions contained in
28 the Order Setting Final Pretrial Conference.

1 **N. CERTIFICATIONS**

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

- 5 1. All discovery has been completed.
- 6 2. The identity of each witness has been disclosed to opposing counsel.
- 7 3. Each exhibit listed herein: (1) is in existence; (2) is numbered; and (3) has
8 been disclosed and shown to opposing counsel.
- 9 4. The parties have complied in all respects with the mandates of the Court’s
10 Case Management Order and Order Setting Final Pretrial Conference.
- 11 5. The parties have made all of the disclosures required by the Federal Rules of
12 Civil Procedure (unless otherwise previously ordered to the contrary).
- 13 6. The parties acknowledge that once this Proposed Final Pretrial Order has
14 been signed and lodged by the parties, no amendments to this Order can be
15 made without leave of Court.”

16 **O. INFORMATION FOR COURT REPORTER**

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

- 20 1. Proper names, including those of witnesses.
- 21 2. Acronyms.
- 22 3. Geographic locations.
- 23 4. Technical (including medical) terms, names or jargon.
- 24 5. Case names and citations.
- 25 6. Pronunciation of unusual or difficult words or names.

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

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