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

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

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

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

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

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

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

12 Plaintiff Contends:

13 Defendant Contends:

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

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

18 Plaintiff Contends:

19 Defendant Contends:

20 **E. LIST OF WITNESSES**

21 Each party shall separately list the names of witnesses, their addresses, whether
22 they are fact or expert witnesses, and a brief description of the testimony of each witness.
23 The witnesses shall be grouped as follows: (a) witnesses who shall be called at trial;
24 (b) witnesses who may be called at trial; and (c) witnesses who are unlikely to be called
25 at trial. Additionally, the parties shall include the following text in this section of
26 the Proposed Final Pretrial Order: "Each party understands that it is responsible for
27 ensuring that the witnesses it wishes to call to testify are subpoenaed. Each party further
28 understands that any witness a party wishes to call shall be listed on that party's list of

witnesses; the party cannot rely on the witness having been listed or subpoenaed by another party.”

F. LIST OF EXHIBITS

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

a. Plaintiff’s Exhibits:

b. Defendant’s Exhibits:

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

a. Plaintiff’s Exhibits:

b. Defendant’s Exhibits:

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

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

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

If there are more than 20 exhibits, the parties shall submit their exhibit lists in writing, five days before trial, in a format to be designated by the Court at the Final Pretrial Conference, in Word by email to Christine.Boucher@azd.uscourts.gov.

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

G. DEPOSITIONS TO BE OFFERED

The parties shall list the depositions that may be used at trial. The portions to be

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

7 The parties shall include the following text in this section of the joint Proposed
8 Final Pretrial Order: "Each party hereby acknowledges by signing this joint Proposed
9 Final Pretrial Order that any deposition not listed as provided herein will not be allowed,
10 absent good cause."

11 **H. MOTIONS IN LIMINE (JURY TRIAL)**

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

14 **I. LIST OF PENDING MOTIONS**

15 List all pending motions.

16 **J. PROCEDURES FOR EXPEDITING TRIAL**

17 The parties shall discuss and report on all available procedures that might be used
18 to expedite trial, including but not limited to (a) presenting stipulated summaries of
19 deposition testimony rather than reading deposition excerpts; (b) editing videotaped
20 depositions to limit the amount of time required for presentation; (c) using summary
21 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity
22 and foundation; (e) presenting direct expert testimony through summary or written
23 reports; (f) using the courtroom technology to expedite the presentation of evidence. The
24 parties are invited to contact _____ at 602-322-_____ to arrange a time to visit
25 the courtroom and examine its technology. Information about courtroom technology can
26 also be found at www.azd.uscourts.gov under (1) Judges' Info, (2) Judges' Orders, Forms
27 & Procedures, and (3) Courtroom Technology.
28

1 **K. ESTIMATED LENGTH OF TRIAL**

2 _____ hours for opening statements and closing arguments

3 _____ hours for Plaintiff(s) case

4 _____ hours for Defendant(s) case

5 _____ hours for rebuttal

6 **L. JURY DEMAND**

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

9 1. The parties stipulate that the request was timely and properly made;

10 2. The Plaintiff/Defendant contends that the request was untimely
11 made because . . . (explain why request was untimely); or

12 3. The Plaintiff/Defendant contends that although the request for trial
13 by jury was timely, the request is otherwise improper as a matter of law
14 because . . . (indicate the legal basis for why a jury trial is improper).

15 **M. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**
16 **BENCH TRIALS**

17 Proposed Findings of Fact and Conclusions of Law shall be lodged by each party
18 as a separate pleading in accordance with the instructions contained in the Order Setting
19 Final Pretrial Conference. The parties shall include the following text in this section of
20 the Proposed Final Pretrial Order: “The separately lodged Proposed Findings of Fact and
21 Conclusions of Law are incorporated by reference into this joint Proposed Final Pretrial
22 Order.”

23 **N. 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 joint
27 proposed verdict forms shall be filed in accordance with the instructions contained in the
28 Order Setting Final Pretrial Conference.

1 **O. 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 in this action do hereby
4 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
12 of 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 made without
15 leave of Court.”

16 **P. INFORMATION FOR COURT REPORTER**

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

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