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

v.	Plaintiff(s),   Defendant(s).	No. CV-  <b>ORDER SETTING FINAL PRETRIAL CONFERENCE</b>
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Following is the Joint Proposed Final Pretrial Order to be considered at the Final Pretrial Conference in this case set for \_\_\_\_\_ at \_\_\_\_\_ in Courtroom 605, Sandra Day O'Connor U.S. Courthouse, 401 West Washington, Street, Phoenix, Arizona 85003. The attorneys (or *pro se* parties) who are responsible for the trial shall attend the Final Pretrial Conference.

**A. Trial Counsel for the Parties.**

Provide mailing and email addresses, office and cell telephone numbers, and fax numbers of trial counsel.

**B. Statement of Jurisdiction.**

Cite the statute(s) which give this court jurisdiction and venue (e.g., jurisdiction in this case is based on diversity of citizenship under 28 U.S.C. § 1332).

**C. Nature of the Case.**

Provide a concise statement (one page) of the nature of the case, the cause of action and the relief sought.

**D. Stipulations and Undisputed Facts and Law.**

1 Provide a concise statement of stipulations and undisputed fact(s) and law in the  
2 following format:

- 3 1. "The following material facts are admitted by the parties and require no 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 **E. Contested Issues of Fact and Law.**

8 Provide a concise statement of contested Issues of fact(s) and law in the following  
9 format:

- 10 1. "The following are the material issues of fact to be tried and decided:"  
11 [Each party's contention must be set forth with respect to each and every issue of  
12 fact and each issue of fact must be stated separately and in specific terms].
- 13 2. "The following are the issues of law to be determined:"  
14 [Each party's contention must be set forth with respect to each and every issue of  
15 law. Each issue of law must be stated separately and in specific terms].

16 **F. Witness List.**

17 Each party shall separately list the names of witnesses, whether they are fact or  
18 expert witnesses and a brief description of the testimony of each witness (except witnesses  
19 who may be called for impeachment). If a witness will appear by deposition only, the party  
20 calling the witness will give notice of the page numbers to be read at trial to all other parties  
21 on or before the date that the pretrial order is filed.

22 The parties shall deliver one (1) original and two (2) copies of the witness and  
23 exhibit lists, using the forms located on the Court's website at  
24 <http://www.azd.uscourts.gov/judges/judges-orders>, to the Courtroom Deputy no later than  
25 48 hours prior to trial.

26 **G. Exhibit List.<sup>1</sup>**

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27 <sup>1</sup> If there are more than 20 exhibits, the parties shall submit their exhibit lists in  
28 writing five (5) days before trial by email to Humetewa\_Chambers@azd.uscourts.gov or

1 Each party shall submit a list of numbered exhibits with a concise description of  
2 each exhibit. Document admissibility issues should be resolved by stipulation before trial.  
3 Following the below format, the parties shall work with the Courtroom Deputy Clerk to  
4 mark all exhibits directly into evidence unless a good faith objection will be raised at trial.

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

7 a. Plaintiff's Exhibits:

8 b. Defendant's Exhibits:

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

10 a. Plaintiff's Exhibits:

11 b. Defendant's Exhibits:

12 3. The party against whom the following exhibit is to be offered objects to the  
13 admission of the exhibit and offers the objection stated below:

14 a. Plaintiff's Exhibits:

15 b. Defendant's Exhibits:

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

19 **H. Depositions to be Offered.**

20 The parties shall list the depositions that may be used at trial. The portions to be  
21 read or submitted at trial shall be identified by page and line number. The offering party  
22 shall provide the Court with a copy of the offered deposition testimony, and highlight the  
23 portions of the depositions to be offered. Each party shall highlight (in a separate color)  
24 that portion of the deposition it proposes to offer. Where multiple parties are offering the  
25 same deposition, only one copy shall be provided to the Court.

26 Any party objecting to the admission in evidence of any portion of a deposition shall  
27 identify by page and line number the portion to which objection is made and shall state the

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on USB flash drive or CD-ROM.

1 grounds of objection specifically.

2 **I. Motions in Limine.**

3 Motions in Limine and responses thereto shall be filed as separate pleadings and in  
4 accordance with the Court’s Order Setting Final Pretrial Conference.

5 **J. List All Pending Motions.**

6 List all pending motions other than Motions in Limine.

7 **K. Procedures for Expediting Trial**

8 The parties shall discuss and report on all available procedures that might be used  
9 to expedite trial, including but not limited to (a) presenting stipulated summaries of  
10 deposition testimony rather than reading deposition excerpts; (b) editing videotaped  
11 depositions to limit the amount of time required for presentation; (c) using summary  
12 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity and  
13 foundation; (e) presenting direct expert testimony through summary or written reports; (f)  
14 using the courtroom technology to expedite the presentation of evidence. The parties are  
15 invited to contact **AV Support at av\_support@azd.uscourts.gov or 602-322-7160**, to  
16 arrange a time to visit the courtroom and examine its technology. Information about  
17 courtroom technology can also be found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges'  
18 Information; Orders, Forms & Procedures; Standard Procedures Used by All Phoenix  
19 Judges; Electronic/Video Courtroom Equipment Information – Phoenix.

20 **L. Estimated Length of Trial.**

21 \_\_\_\_\_ hours for opening statements and closing arguments.

22 \_\_\_\_\_ hours for Plaintiff(s)’ case, including cross-examination of other parties’  
23 witnesses.

24 \_\_\_\_\_ hours for Defendant(s)’ case, including cross-examination of other parties’  
25 witnesses.

26 \_\_\_\_\_ hours for rebuttal.

27 **M. Jury Demand.**

28 State whether a jury trial has or has not been requested. If a jury trial has been

1 requested, indicate the appropriate selection:

- 2 1. The parties stipulate that the demand for a jury trial was timely;
- 3 2. The Plaintiff(s)/Defendant(s) contend(s) that the demand was untimely because
- 4 of [provide an explanation including legal citation]; or
- 5 3. The Plaintiff(s)/Defendant(s) contend(s) that although the request for trial by jury
- 6 was timely, the request is otherwise improper as a matter of law because . . . [provide
- 7 an explanation including legal citations].

8 **N. Proposed Findings of Fact and Conclusions of Law for Bench Trials.**

9 Proposed Findings of Fact and Conclusions of Law shall be filed by each party as a  
10 separate pleading in accordance with the instructions contained in the Order Setting Final  
11 Pretrial Conference.

12 **O. Proposed Set of Supplemental Voir Dire.**

13 The Court’s proposed voir dire questions are located on the Court’s website at  
14 [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges’ Information/Orders; Forms and Procedures; and  
15 Diane J. Humetewa. In addition, each party may separately file a proposed set of voir dire  
16 questions, not to exceed ten (10) each. The questions shall be drafted in a neutral manner.  
17 If the parties disagree about a particular question, the opponent shall state the reason for  
18 the objection immediately below the question.

19 **P. Joint Proposed Jury Instructions.**

20 The joint list must contain the following four sections:

- 21 (1) A list—denoted only by section and title—of all applicable Ninth  
22 Circuit Model Civil Instructions, which are at  
23 <https://www.ce9.uscourts.gov/jury-instructions/model-civil>. If a  
24 model instruction is requested by both parties, the instruction shall be  
25 preceded by “ST” (stipulated-to). If the instruction is requested by  
26 only one party, the instruction shall be preceded by either “PL”  
27 (Plaintiff) or “DF” (Defendant).
- 28 (2) The full text of any non-model instructions to which the parties have

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stipulated, with only one instruction per page.

(3) The full text of 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) The full text of 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.

**Q. Form of Verdict.**

Each party shall file a proposed form of verdict, including any proposed special verdict forms or juror interrogatories.

**R. Recording of Proceedings.**

To facilitate the creation of an accurate record, please prepare a “Notice to Court Reporter” one week before the Final Pretrial Conference containing the following information:

- a. Proper names, including those of witnesses.
- b. Acronyms.
- c. Geographic locations.
- d. Technical (including medical) terms, names, or jargon.

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- e. Case names and citations.
- f. Pronunciation of unusual or difficult words or names.

This notice need not be filed but must be provided via e-mail to Hilda Lopez at [hilda\\_lopez@azd.uscourts.gov](mailto:hilda_lopez@azd.uscourts.gov). Her contact number is 602-322-7256. Counsel also must advise the court reporter as soon as possible, but no later than two weeks before trial, if they would like to receive a real-time feed or daily turnaround transcript of the proceedings.

**S. Certifications.**

The parties shall include the following text in this section of the Joint Proposed Final Pretrial Order: "The undersigned counsel for each of the parties in this action do hereby certify and acknowledge the following:

- 1. All discovery has been completed.
- 2. The identity of each witness has been disclosed to opposing counsel.
- 3. Each exhibit listed herein: (1) is in existence; (2) is numbered; and (3) has been disclosed and shown to opposing counsel.
- 4. The parties have complied in all respects with the mandates of the Court's Rule 16 Scheduling Order and Order Setting Final Pretrial Conference.
- 5. The parties have made all of the disclosures required by the Federal Rules of Civil Procedure (unless otherwise previously ordered to the contrary).
- 6. The parties acknowledge that once this Joint Proposed Final Pretrial Order has been signed and lodged by the parties, no amendments to this Order can be made without leave of Court."

**APPROVED AS TO FORM AND CONTENT:**

\_\_\_\_\_  
Attorney for Plaintiff(s)

\_\_\_\_\_  
Attorney for Defendant(s)