

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Plaintiff,

v.

,

Defendants.

No. CV

**ORDER SETTING TRIAL AND
FINAL PRETRIAL CONFERENCE**

IT IS ORDERED that the trial is set to begin on [date] at 9:00 a.m. and conclude on [date] in Courtroom 601, Sandra Day O'Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix, Arizona 85003.

IT IS FURTHER ORDERED that pursuant to Rule 16(d) of the Federal Rules of Civil Procedure, a Final Pretrial Conference shall be held on [2 weeks before trial]. In preparation for the Final Pretrial Conference, it is hereby ordered:

1. Attendance Required. The attorneys (or *pro se* parties) who will be responsible for the trial of the case must attend the Final Pretrial Conference. The attendees must bring their calendars so trial scheduling can be discussed.

2. Proposed Final Pretrial Order.

Timing: The parties must jointly prepare a Proposed Final Pretrial Order and file it with the Court at least three business days before the Final Pretrial Conference. The parties must exchange drafts of the Proposed Final Pretrial Order no later than 14 days before the submission deadline. The Plaintiff(s) has the burden of initiating such communications. The parties also must submit a copy of the Proposed Final Pretrial Order to the Court in

1 Word format to lanza_chambers@azd.uscourts.gov.

2 *Effect:* Preparation and lodging of the Proposed Final Pretrial Order in accordance
3 with the requirements of this Order will be deemed to satisfy the disclosure requirements
4 of Rule 26(a)(3) of the Federal Rules of Civil Procedure.

5 *Content:* The Proposed Final Pretrial Order must include the information prescribed
6 in the “Joint Proposed Final Pretrial Order” form that is available at www.azd.uscourts.gov
7 under: Judges’ Information → Orders, Forms and Procedures → Dominic W. Lanza. The
8 information may not be set forth in the form of a question and must be presented in concise
9 narrative statements.

10 3. Marking of Exhibits. The parties must meet in person to exchange marked
11 copies of all exhibits to be used at trial no later than 14 days before the submission deadline
12 for the Proposed Final Pretrial Order. During this meeting, the parties also must eliminate
13 any duplicate exhibits.¹ Further information about the Court’s exhibit marking procedures
14 can be found in the document entitled “Exhibit Procedures,” which is available at
15 www.azd.uscourts.gov under: Judges’ Information → Orders, Forms and Procedures →
16 Dominic W. Lanza.

17 4. Preclusion of Undisclosed Matters. The parties are advised that the Court
18 will not allow the parties to offer any exhibit, witness, or other evidence that was not
19 disclosed in accordance with this Order and the Federal Rules of Civil Procedure and listed
20 in the Proposed Final Pretrial Order, except to prevent manifest injustice.

21 5. Motions in Limine. This case will be tried to the Court, and therefore the
22 parties may not file motions in limine. *United States v. Heller*, 551 F.3d 1108, 1111-12

23 _____
24 ¹ During the in-person meeting, the exhibits must be in the exact physical form that
25 will be used at trial. In other words, if a party intends to offer a paper exhibit at trial, that
26 party must have a marked paper copy at the in-person meeting, not an electronic copy.
27 Also, the parties should mark their exhibits exactly as they intend to offer them at trial.
28 During trial, exhibits will be admitted or rejected in their entirety. Thus, if any part of an
exhibit is objectionable, it will be excluded in its entirety. The parties will not be permitted
to break offered exhibits into admissible sub-parts if an objection is sustained.

1 (9th Cir. 2009) (“A motion in limine is a procedural mechanism to limit in advance
2 testimony or evidence in a particular area . . . before attempted use of the evidence before
3 the jury. . . . [I]n the case of a bench trial, a threshold ruling is generally superfluous. It
4 would be, in effect, ‘coals to Newcastle,’ asking the judge to rule in advance on prejudicial
5 evidence so that the judge would not hear the evidence.”).

6 6. Other Case-Related Documents. The parties must—by the deadline for filing
7 the Proposed Final Pretrial Order—file proposed findings and fact and conclusions of law
8 (and submit copies of the same in Word format to the chambers email address).

9 7. Settlement Discussions: The parties must be prepared to advise the Court at
10 the Final Pretrial Conference of the status of settlement discussions. Should settlement be
11 reached at any time, the parties must promptly file a Notice of Settlement with the Clerk
12 of the Court.

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

- 16 a. Proper names, including those of witnesses.
- 17 b. Acronyms.
- 18 c. Geographic locations.
- 19 d. Technical (including medical) terms, names, or jargon.
- 20 e. Case names and citations.
- 21 f. Pronunciation of unusual or difficult words or names.

22 This notice need not be filed but must be provided via e-mail to Jennifer Pancratz at
23 jennifer_pancratz@azd.uscourts.gov. Counsel also must advise the court reporter as soon
24 as possible if they would like to receive a real-time feed or daily turnaround transcript of
25 the proceedings.

26 9. Compliance Required. The Court wishes to emphasize to the parties that it
27 views compliance with the provisions of this Order as critical to its case management
28 responsibilities and to the responsibilities of the parties under Rule 1 of the Federal Rules

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

of Civil Procedure. Thus, full and complete compliance with this Order is required.