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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

)	CV-___-_____-PHX-ESW
	Plaintiff(s),)	
	v.)	PROPOSED FINAL PRETRIAL ORDER FOR JURY TRIAL
)	
	Defendant(s).)	

The following is the joint Proposed Final Pretrial Order to be considered at the Final Pretrial Conference set for _____, 201_ at ____ .

A. TRIAL COUNSEL FOR THE PARTIES

Include mailing addresses, office phone numbers, fax numbers, and email addresses.

Plaintiff(s):
Defendant(s):

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.)

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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.)

C. STIPULATIONS AND UNCONTESTED FACTS AND LAW

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

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

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

D. CONTESTED ISSUES OF FACT AND LAW

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

E.g., Issue No. 1: Whether Defendant's conduct breached the parties' contract.

Plaintiff Contends _____

Defendant Contends _____

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

E.g., Issue No. 1: Whether the contract is unenforceable.

Plaintiff Contends _____

Defendant Contends _____

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

1 **E. LIST OF WITNESSES**

2 Each party shall separately list the names of witnesses, their addresses, whether
3 they are fact or expert witnesses, and a brief description of the testimony of each witness.
4 The witnesses shall be grouped as follows: (a) witnesses who shall be called at trial;
5 (b) witnesses who may be called at trial; and (c) witnesses who are unlikely to be called at
6 trial. Additionally, the parties shall include the following text in this section of
7 the Proposed Final Pretrial Order: "Each party understands that it is responsible for
8 ensuring that the witnesses it wishes to call to testify are subpoenaed. Each party further
9 understands that any witness a party wishes to call shall be listed on that party's list of
10 witnesses; the party cannot rely on the witness having been listed or subpoenaed by
11 another party."

12 **F. LIST OF EXHIBITS**

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

15 **a.** Plaintiff's Exhibits:

16 **b.** Defendant's Exhibits:

17 **2.** Stipulations regarding exhibits:

18 **a.** Plaintiff's Exhibits:

19 **b.** Defendant's Exhibits:

20 **3.** Objections to exhibits:

21 **a.** Plaintiff's Exhibits: (follow the below format for each exhibit to
22 which there is an objection)

23 1. Describe exhibit: (e.g. Declaration of John Doe)

24 2. Specify Defendant's objection to exhibit: (e.g. inadmissible
25 hearsay)

26 3. Explain objection: (e.g. the Declaration of John Doe constitutes)
27 inadmissible hearsay because _____)

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b. Defendants Exhibits: (follow the below format for each exhibit to which there is an objection)

1. Describe exhibit: (e.g. Defendant's business record dated ____)
2. Specify Plaintiff's objection to exhibit: (e.g. relevancy)
3. Explain objection: (e.g. Defendant's business record is irrelevant because _____)

4. If there are more than 20 exhibits, the parties shall submit their exhibit lists in writing, the day before trial, in a format to be designated by the Court at the Final Pretrial Conference, in Microsoft Word 2010 (.doc) format (or higher) by email to Willett_Chambers@azd.uscourts.gov .

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

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

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

5 **H. LIST OF PENDING MOTIONS**

6 List all pending motions.

7 **I. 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
13 and foundation; (e) presenting direct expert testimony through summary or written
14 reports; (f) using the courtroom technology to expedite the presentation of evidence. The
15 parties are invited to contact Marion Holmes, Magistrate Judge Willett's Courtroom
16 Clerk, to arrange a time to visit the courtroom and examine its technology.
17 Information about courtroom technology can also be found at
18 www.azd.uscourts.gov under Judges’ Information/Courtroom Technology.

19 **J. ESTIMATED LENGTH OF TRIAL**

20 The parties shall submit a jointly completed "Time Estimates for Trial" chart
21 located on the Court's website at www.azd.uscourts.gov under Judges Information/
22 Orders, Forms and Procedures/Magistrate Judge Willett. The Court will use the chart to
23 predict the length of trial for jurors and to direct counsel to follow the trial time
24 limits established. Time limitations set based upon estimates listed are deemed
25 presumptively reasonable, subject to modification only upon a showing of good cause.

1 **K. JURY DEMAND**

2 If a jury trial has been requested, indicate the appropriate selection:

- 3 1. The parties stipulate that the request was timely and properly made;
- 4 2. The Plaintiff/Defendant contends that the request was untimely
5 made because _____ (explain why request was untimely); or
- 6 3. The Plaintiff/Defendant contends that although the request for trial
7 by jury was timely, the request is otherwise improper as a matter of law
8 because _____ (indicate the legal basis for why a jury trial is improper).

8 **L. JOINT STATEMENT OF THE CASE**

9 The parties shall file a joint statement of the case that will be read to the jury and
10 included in the jury questionnaire, if one is used.

11 **M. JOINT PROPOSED VOIR DIRE QUESTIONS**

12 The Court's proposed voir dire questions are located on the Court's website
13 at www.azd.uscourts.gov under Judges' Orders, Forms & Procedures/Magistrate
14 Judge Willett. Additional questions proposed by the parties shall be drafted in a neutral
15 manner. Initial questions on a subject should call for a "yes" response.

16 **N. JOINT PROPOSED JURY INSTRUCTIONS**

17 The proposed jury instructions shall be accompanied by citations to legal authority.
18 The instructions shall be in accordance with "*Guidelines for Jury Instructions in Civil*
19 *Cases*" found at www.azd.uscourts.gov under Judges' Orders, Forms & Procedures/
20 Magistrate Judge Willett.

21 **O. PROPOSED FORMS OF VERDICT**

22 The proposed forms of verdict shall include any proposed special verdict forms or
23 juror interrogatories.

24 **P. DISAGREEMENTS ABOUT PROPOSED STATEMENTS, VOIR DIRE,
25 INSTRUCTIONS, OR FORMS OF VERDICT**

26 If the parties disagree about any of the proposed statements, voir dire questions, jury
27 instructions, or forms of verdict, the party in favor of the proposal shall set it forth in the

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1 joint pleading and the party opposing it shall state the reason for the objection and offer
2 alternative proposal.

3 **Q. FORMAT OF SUBMISSIONS**

4 The joint statement of the case, proposed voir dire questions, proposed
5 jury instructions, and forms of verdict shall be submitted in Microsoft Word
6 format by email to Willett_Chambers@azd.uscourts.gov.

7 **R. CERTIFICATIONS**

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

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

23 **S. INFORMATION FOR COURT REPORTER**

24 In order to facilitate the creation of an accurate record, please file a "Notice to Court
25 Reporter" one week before trial containing the following information that may be used at
26 trial:

- 27 1. Proper names, including those of witnesses.

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- 2. Acronyms.
- 3. Geographic locations.
- 4. Technical (including medical) terms, names or jargon.
- 5. Case names and citations.

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

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.

DATED this ____ day of _____, 20__.

Eileen S. Willett
United States Magistrate Judge