

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**

,  
Petitioner,  
v.  
,  
Respondents.

No. CV-21-01072-PHX-GMS  
**PROPOSED FINAL  
PRETRIAL ORDER**

**IT IS HEREBY ORDERED** that this Final Pretrial Order jointly submitted by the parties, as amended by the Court, is hereby **APPROVED** and **ADOPTED** as the official Pretrial Order of this Court.

**A. TRIAL COUNSEL FOR THE PARTIES**

- Plaintiff:
  - Name
  - Address
  - Office Phone Number
  - Fax Number
  - Email Address
- Defendant:
  - Name
  - Address
  - Office Phone Number
  - Fax Number
  - Email Address

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

**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.)

**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):

**Plaintiff’s Issues of Fact**

Issue #1: [type text here]

Plaintiff contends:

Defendant contends:

Issue #2: [type text here]

Plaintiff contends:

Defendant contends:

**Defendant’s Issues of Fact**

Issue #1: [type text here]

Plaintiff contends:

Defendant contends:

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

**Plaintiff's Issues of Law**

Issue #1: [type text here]

Plaintiff contends:

Defendant contends:

Issue #2: [type text here]

Plaintiff contends:

Defendant contends:

**Defendant's Issues of Law**

Issue #1: [type text here]

Plaintiff contends:

Defendant contends:

**E. LIST OF WITNESSES**

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

**Plaintiff's Witnesses**

Witnesses who will be called at trial:

- 1. Name
- Address

Brief description of testimony

- 2. Name
- Address

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

Brief description of testimony

3.

Witnesses who may be called at trial:

- 1. Name  
Address

Brief description of testimony

Witnesses who are unlikely to be called at trial

- 1. Name  
Address

Brief description of testimony

**Defendant's Witnesses**

**Witnesses shall appear in person for trial. The parties **have/have not requested** VTC (video telephonic conference) for witnesses who are unable to travel and will testify during trial. It is highly recommended that a pretest be scheduled between AV Support and the witness to avoid any delays at trial which will be counted against your time. Please contact Judge Snow's Courtroom Deputy Kathleen Zoratti at [kathleen\\_zoratti@azd.uscourts.gov](mailto:kathleen_zoratti@azd.uscourts.gov) to schedule.**

**F. LIST OF EXHIBITS**

**The parties shall contact Judge Snow's Courtroom Deputy one/two weeks in advance to schedule a time for exhibits to be provided to the Court no later than Noon on **DATE 2 weeks before trial.****

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

**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 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).

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

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

**I. LIST OF PENDING MOTIONS**

**J. PROCEDURES FOR EXPEDITING TRIAL**

The parties shall discuss and report on all available procedures that might be used to expedite trial, including but not limited to (a) presenting stipulated summaries of

1 deposition testimony rather than reading deposition excerpts; (b) editing videotaped  
2 depositions to limit the amount of time required for presentation; (c) using summary  
3 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity and  
4 foundation; (e) presenting direct expert testimony through summary or written reports;  
5 (f) using the courtroom technology to expedite the presentation of evidence. The parties  
6 are invited to contact the Courtroom Deputy at [Kathleen Zoratti@azd.uscourts.gov](mailto:Kathleen.Zoratti@azd.uscourts.gov) to  
7 arrange a time to visit the courtroom and examine its technology. Information about  
8 courtroom technology can also be found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges and  
9 Courtrooms and Orders, Forms and Procedures.

10  
11 **K. ESTIMATED LENGTH OF TRIAL**

12 \_\_\_\_\_ hours for opening statements and closing arguments

13 \_\_\_\_\_ hours for Plaintiff(s) case

14 \_\_\_\_\_ hours for Defendant(s) case

15 \_\_\_\_\_ hours for rebuttal

16  
17 **L. JURY DEMAND**

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

- 20 1. The parties stipulate that the request was timely and properly made;
- 21 2. The Plaintiff/Defendant contends that the request was untimely made  
22 because . . . (explain why request was untimely); or
- 23 3. The Plaintiff/Defendant contends that although the request for trial by jury  
24 was timely, the request is otherwise improper as a matter of law because . . .  
25 (indicate the legal basis for why a jury trial is improper).

26  
27 **M. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**  
28 **BENCH TRIALS**

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

**N. JOINT PROPOSED JURY INSTRUCTIONS, JOINT PROPOSED VOIR DIRE QUESTIONS, AND PROPOSED FORMS OF VERDICT FOR JURY TRIALS**

**O. CERTIFICATIONS**

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. The parties acknowledge their witness list is complete.
3. Each exhibit listed herein: (1) is in existence; (2) is numbered; (3) has been disclosed and shown to opposing counsel. Each party hereby acknowledges that any objections to an exhibit not specifically raised in the joint Proposed Final Pretrial Order is waived.
4. Each party acknowledges that any deposition not listed in the Proposed Final Pretrial Order will not be allowed, absent good cause.
5. The parties have complied in all respects with the mandates of the Court’s Rule 16 Scheduling Order and Order Setting Final Pretrial Conference.
6. The parties have made all of the disclosures required by the Federal Rules of Civil Procedure (unless otherwise previously ordered to the contrary).
7. The parties acknowledge that once the Proposed Final Pretrial Order was signed and lodged by the parties, no amendments to this Order can be made without leave of Court.

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

**P. INFORMATION FOR COURT REPORTER**

In order to facilitate the creation of an accurate record, the parties shall file a “Notice to Court Reporter” **two weeks before trial** containing the following information to be used at trial:

1. Proper names, including those of witnesses
2. Acronyms
3. Geographic locations
4. Names of any companies discussed in the case
5. Technical (including medical) terms, names or jargon
6. Case names and citations
7. Pronunciation of unusual or difficult words or names
8. Counsel will advise Judge Snow’s Court Reporter **two weeks prior to trial** if counsel would like to receive a real-time feed or daily turnaround or any expedited transcript during any of the proceedings. This will ensure the proper paperwork is in place and arrangements made for a real-time test run **before** the actual proceeding. No real-time feed will be facilitated the day of trial.

In addition, the parties shall provide to the Court Reporter a copy of the concordance from key depositions **two weeks prior to trial**.