

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.

,

Defendant.

No.

**ORDER SETTING FINAL
PRETRIAL CONFERENCE**

Pursuant to Rule 16(e) of the Federal Rules of Civil Procedure, a Final Pretrial Conference shall be held on _____ at _____ before Chief Judge G. Murray Snow in Courtroom 602, Sandra Day O'Connor U.S. Federal Courthouse, 401 West Washington Street, Phoenix, Arizona 85003-2151. In preparation for this Final Pretrial Conference,

IT IS HEREBY ORDERED:

1. The attorneys who will be responsible for the trial of the case shall attend the Final Pretrial Conference. Counsel shall have access to their calendars, including the availability of their witnesses, to assist with discussions for scheduling trial.
2. The parties jointly shall prepare a Proposed Final Pretrial Order and shall lodge it with the Court no later than **4:00 p.m.** on _____**2**_____. Preparation and lodging of the Proposed Final Pretrial Order in accordance with the requirements of this Order shall be deemed to satisfy the disclosure requirements of Rule 26(a)(3) of the Federal

1 Rules of Civil Procedure. The parties shall submit a copy of the Proposed Final Pretrial
2 Order to the Court in Word format by email to snow_chambers@azd.uscourts.gov.

3 3. The Proposed Final Pretrial Order shall include the information prescribed in
4 the Joint Proposed Final Pretrial Order form found at www.azd.uscourts.gov under Judges
5 and Courtrooms and Orders, Forms and Procedures. Information shall not be set forth in
6 the form of a question but shall be presented in concise narrative statements.

7 4. The Court will not allow the parties to offer any exhibit, witness, or other
8 evidence that was not disclosed in accordance with the provisions of this Order and the
9 Federal Rules of Civil Procedure and listed in the Proposed Final Pretrial Order, except to
10 prevent manifest injustice.

11 5. The parties shall exchange drafts of the Proposed Final Pretrial Order no later
12 than **14 days** before the submission deadline. The **Plaintiff(s)** shall have the burden of
13 initiating communications concerning the Proposed Final Pretrial Order.

14 6. The parties shall (a) number and mark exhibits in accordance with the
15 instructions found in Exhibit Marking Instructions at www.azd.uscourts.gov under Judges
16 and Courtrooms and Orders, Forms and Procedures (such numbers shall correspond to
17 exhibit numbers listed in the Proposed Final Pretrial Order); (b) meet in person and
18 exchange marked copies of all exhibits to be used at trial no later than **14 days** before the
19 submission deadline for the Proposed Final Pretrial Order (any exhibit not marked and
20 exchanged at this meeting shall be precluded at trial); and (c) eliminate any duplicate
21 exhibits while meeting to exchange exhibits.

22 7. The parties shall file and serve all motions in limine no later than
23 _____**2**_____.¹ Responses to motions in limine shall be filed on or before
24 _____**1**_____. Each motion in limine shall include proposed language for the
25 order in limine being sought from the Court, and the proposed language shall state with

26 _____
27 ¹ Pursuant to LRCiv 7.2(1) “[n]o opposed motion in limine will be considered or
28 decided unless moving counsel certifies therein that the movant has in good faith conferred
or attempted to confer with the opposing party or counsel in an effort to resolve disputed
evidentiary issues that are the subject of the motion.”

1 precision the evidence that is subject to the proposed order and the limitation or exclusion
2 placed on the evidence. Each party will be limited to five (5) motions. The motions and
3 responses must be concise and shall not exceed three (3) pages in length. No replies shall
4 be filed. Counsel shall be prepared to argue the merits of such motions at the Final Pretrial
5 Conference.

6 8. If this case will be tried to a jury, the parties shall complete the following
7 tasks by the time of the lodging of the Proposed Final Pretrial Order:

8 (a) The parties shall file with the Clerk of Court a stipulated description
9 of the case to be read to the jury.

10 (b) The parties shall jointly file with the Clerk of Court a proposed set of
11 voir dire questions. The voir dire questions shall be drafted in a neutral manner. To the
12 extent possible, the parties shall stipulate to the proposed questions. If the parties have any
13 disagreement about a particular question, they shall state the reason for their objection
14 below the question.

15 (c) The parties shall file with the Clerk of Court a separate List of Exhibits
16 and List of Witnesses listing only the names/titles of each witness. The parties are
17 reminded to comply with the content to be included in the actual listing of witnesses within
18 the Proposed Final Pretrial Order which is separate from the Lists of Witnesses being filed
19 with the Clerk of Court.

20 (d) The parties shall be prepared to discuss with the Court the availability
21 of VTC (Video Telephonic Conference) accommodations for witness testimony during
22 trial. The parties shall be prepared to discuss with the Court the availability of each witness.
23 Due to limited access, VTC requests may not be available.

24 (e) The parties shall file with the Clerk of Court joint proposed jury
25 instructions in accordance with “Guidelines for Jury Instructions in Civil Cases” found at
26 www.azd.uscourts.gov under Judges Information/Judges’ Orders, Forms & Procedures/
27 Snow, G Murray.

28 (f) Each party shall file with the Clerk of Court a proposed form of

1 verdict, including any proposed special verdict forms or juror interrogatories.

2 (h) The joint statement of the case, proposed voir dire questions, proposed
3 jury instructions, form of verdict and witness list (with only the name/title of each witness)
4 shall be submitted in Word format by email to snow_chambers@azd.uscourts.gov.

5 9. If the case will be tried to the Court, each party shall lodge proposed findings
6 of fact and conclusions of law with the Proposed Final Pretrial Order. The proposed
7 findings of fact and conclusions of law shall also be submitted in Word format by email to
8 snow_chambers@azd.uscourts.gov.

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

12 11. Counsel shall review Judge Snow's statement of Trial Conduct and Decorum
13 before the Final Pretrial Conference. A copy can be found on the Court's website at
14 www.azd.uscourts.gov under Judges and Courtrooms and Orders, Forms and Procedures.

15 12. Full and complete compliance with this Order shall be required by the Court.

16 Dated this ___ day of _____, 202__.

17
18
19
20
21
22
23
24
25
26
27
28