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

,

Plaintiffs,

v.

,

Defendants.

No. CV-TUC-JGZ
**JOINT PROPOSED PRETRIAL
ORDER**

The following are pretrial proceedings in this cause as agreed to by the parties and approved by the Court:

I. NATURE OF ACTION

This is an action for: (Short concise statement of the case, including the nature of the action and the relief sought.)

II. STATEMENT OF JURISDICTION

Statement of jurisdiction: (state the claims and cite the statutes which give this Court jurisdiction over each claim.)

III. CONTENTIONS OF THE PARTIES

With respect to each count of the complaint, counterclaim or cross-claim, and to any defense, affirmative defense, or the rebuttal of a presumption where the burden of proof has shifted, the party having the burden of proof shall list the elements or standards that must be proved in order for the party to prevail on that claim or defense.

1 (E.g.: In order to prevail on this products liability case, the plaintiff must prove the
2 following elements)

3 (E.g.: In order to defeat this products liability claim based on the statute of repose,
4 the defendant must prove the following elements)

5 IV. STIPULATIONS AND UNCONTESTED FACTS

6 State the facts that have been stipulated to or are uncontested.

7 V. CONTESTED ISSUES OF LAW/FACT

8 State the ultimate issues of fact and law which must be decided at trial. State only
9 the issues of fact and law necessary and material for a verdict in this case. Each
10 issue must be stated separately and specifically.

11 VI. PENDING MOTIONS

12 State all motions that remain pending on the docket as of the date of the proposed
13 order.

14 VII. LIST OF EXHIBITS

15 Each party must submit with this proposed order a list of numbered exhibits, with a
16 description of each containing sufficient information to identify the exhibit, and
17 indicating whether an objection to its admission is anticipated. Exhibits should be
18 marked according to instructions received from the court.

19 VIII. LIST OF WITNESSES

20 A jointly prepared list of witnesses, identifying each as either plaintiff's or
21 defendant's and indicating whether a fact or expert witness must accompany this
22 proposed order. A brief statement as to the testimony of each expert witness must
23 be included.

24 IX. FOR A BENCH TRIAL

25 Trial briefs, objections to exhibits, motions in limine, stipulations, and proposed
26 findings of fact and conclusions of law shall be filed and served thirty (30) days
27 prior to trial.

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1 X. FOR A JURY TRIAL

2 Proposed voir dire, objections to exhibits, deposition testimony, stipulations, and
3 trial memoranda shall be filed thirty (30) days before trial.

4 Stipulated jury instructions and verdict forms shall be filed thirty (30) days before
5 trial. Instructions which are not agreed upon, and a concise argument in support of
6 the instruction shall be filed and served upon each party thirty (30) days before trial.
7 Immediately after the explanation supporting the disputed jury instruction, the
8 opposing party shall briefly explain why that instruction is inappropriate and cite
9 authority to support the opposition. Where applicable, the objecting party shall
10 submit an alternative proposed instruction covering the subject or issue of law. The
11 parties shall also indicate if the verdict forms are stipulated forms.

12 Motions in limine shall be filed thirty (30) days before trial. Any opposition shall
13 be filed and served fourteen (14) days thereafter.

14 XI. PROBABLE LENGTH OF TRIAL

15 Each party shall identify the estimated length of time it will take to present its case.

16 XII. CERTIFICATION

17 The undersigned counsel for each of the parties in this action do hereby approve and
18 certify to the following:

- 19 1. All discovery has been completed.
20 2. The identity of each witness has been disclosed to opposing counsel.
21 3. Each exhibit listed herein: (a) is in existence; (b) is numbered, and (c) has been
22 disclosed and shown to opposing counsel.

23 XIII. ADOPTION

24 The court may adopt this proposed Joint Pretrial Order at the Pretrial Conference or
25 subsequent hearing.

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Attorney for Plaintiff(s)

Attorney for Defendant(s)