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

Plaintiff,  v.  ,  Defendants.	No. CV	<b>JOINT PROPOSED PRETRIAL ORDER</b>
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Following is the Joint Proposed Pretrial Order to be considered at the Final Pretrial Conference in this case set for \_\_\_\_\_ at \_\_\_\_\_.

**A. Trial Counsel**

Provide the mailing address, email address, office number, and cell number for:  
Plaintiff(s):  
Defendant(s):

**B. Statement of Jurisdiction**

1. Cite the statute(s) that give this Court jurisdiction (*e.g.*, jurisdiction in this case is based on diversity of citizenship under 28 U.S.C. § 1332).
2. State whether subject matter or personal jurisdiction is disputed. (If so, the party disputing jurisdiction must set forth with specificity the bases for its objection.)

**C. Stipulations and Undisputed 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:

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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:

**NOTE:** Each issue of fact must be separately and specifically identified, and each party’s contention must be provided with respect to each issue. For example:

- Issue #1: Whether plaintiff used due care.
- Plaintiff: Plaintiff looked both ways before crossing the street . . . .
- Defendant: Plaintiff ran into the street without looking . . . .

2. The following are the issues of law to be determined:

**NOTE:** Each issue of law must be separately and specifically identified, and each party’s contention must be provided with respect to each law. For example:

- Issue #1: Whether plaintiff’s suit is barred by the doctrine of laches.
- Plaintiff: . . . .
- Defendant: . . . .

**E. Witness List**

Each party must separately list the names of witnesses, whether they are fact or expert witnesses, and a brief description of the testimony of each witness (except witnesses who may be called for impeachment). The witnesses must be grouped as follows: (1) witnesses who will be called at trial; (2) witnesses who may be called at trial; and (3) witnesses who are unlikely to be called at trial. Additionally, the parties must include the following text in this section of the Joint Proposed 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 must be listed on that party’s list of witnesses; the party cannot rely on the witness having been listed or subpoenaed by another party.”

**F. Exhibit List**

1. The following exhibits are admissible in evidence and may be marked in evidence by the Courtroom Deputy Clerk:

1                   a.     Plaintiff’s Exhibits:

2                   b.     Defendant’s Exhibits:

3           2.     As to the following exhibits, the party against whom the exhibit is to be  
4 offered objects to its admission and offers the objection stated below:

5                   a.     Plaintiff’s Exhibits: [*E.g.*, City Hospital records of plaintiff from  
6 March 1985. Defendant objects for a lack of foundation because . . . .]

7                   b.     Defendant’s Exhibits: [*E.g.*, Payroll records of plaintiff’s employer  
8 that show payment of plaintiff’s salary during hospitalization and recovery. Plaintiff  
9 objects on grounds of relevance and materiality because . . . .]

10           3.     If there are more than 20 exhibits, the parties must email their exhibit lists in  
11 Word format, at least seven days before the final pretrial conference, to  
12 Lanham\_chambers@azd.uscourts.gov.

13     **G.     Depositions to be Offered**

14           Each party must list the depositions it intends to use during its case-in-chief at trial.  
15 The offering party must provide the Court with a copy of the offered deposition. The  
16 offering party must highlight, in color, the portions of the deposition to be offered. If  
17 multiple parties are offering the same deposition, only one copy should be provided. This  
18 copy must contain each party’s highlighting (each party must use a different color).

19           Any party objecting to the admission of any portion of a deposition shall provide its  
20 objection next to the proposed testimony in the margins of the deposition. The objections  
21 must be as specific as possible, identifying the Rule of Evidence, Court order, or other basis  
22 for the exclusion. Generic objections are not appropriate. The response to the objection is  
23 to be placed under the specific objection, also in the margin, and following the same rules  
24 as above.

25           The parties must include the following text in this section of the Joint Proposed  
26 Pretrial Order: “Each party hereby acknowledges by signing this Joint Proposed Pretrial  
27 Order that any deposition not listed as provided herein to be used in its case-in-chief will  
28 be disallowed, absent good cause.”

1 **H. Pending Motions**

2 The parties must list all pending motions, including motions in limine. Motions in  
3 limine must be filed as standalone motions and may be filed only for jury trials.

4 **I. Procedures for Expediting Trial**

5 The parties must discuss and report on all available procedures that might be used  
6 to expedite trial, including but not limited to (a) presenting stipulated summaries of  
7 deposition testimony rather than reading deposition excerpts; (b) editing videotaped  
8 depositions to limit the amount of time required for presentation; (c) using summary  
9 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity and  
10 foundation; (e) presenting direct expert testimony through summary or written reports; and  
11 (f) using courtroom technology to expedite the presentation of evidence. The parties are  
12 invited to email to Lanham\_chambers@azd.uscourts.gov to arrange a time to visit the  
13 courtroom and examine its technology. Information about courtroom technology can also  
14 be found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges' Information → Orders, Forms &  
15 Procedures → Standard Procedures Used by All Phoenix Judges; Electronic/Video  
16 Courtroom Equipment Information – Phoenix.

17 The parties must also discuss and report whether any party will need special  
18 audiovisual (or other) equipment at trial.

19 **J. Estimated Length of Trial**

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

21 \_\_\_\_ hours for plaintiff(s)' case, including cross-exam of other parties' witnesses

22 \_\_\_\_ hours for defendant(s)' case, including cross-exam of other parties' witnesses

23 \_\_\_\_ hours for rebuttal

24 **K. Jury Demand**

25 State whether a jury trial has been requested. If a jury trial has been requested,  
26 indicate the appropriate selection:

27 1. The parties stipulate that the demand for a jury trial was timely;

28 2. The plaintiff/defendant contends the demand was untimely because [provide an

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explanation including legal citation]; or

- 3. The plaintiff/defendant contends that although the request for trial by jury was timely, the request is otherwise improper as a matter of law because [provide an explanation including legal citations].

**L. Jury Questionnaire, Jury Instructions, and Forms of Verdict**

The proposed supplemental questions for the jury questionnaire, proposed jury instructions, and proposed forms of verdict must be filed in accordance with the instructions contained in the Order Setting Final Pretrial Conference.

**M. Certifications**

The parties must include the following text in this section of the Joint Proposed Pretrial Order: “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; (3) Each exhibit listed herein is in existence, is numbered, and has been disclosed and shown to opposing counsel; (4) The parties have complied in all respects with the mandates of the Court’s Case Management Order and Order Setting Trial and Final Pretrial Conference; (5) The parties have made all of the disclosures required by the Federal Rules of Civil Procedure (unless otherwise previously ordered to the contrary); and (6) The parties acknowledge that once this Joint Proposed Pretrial Order has been signed and lodged by the parties, no amendments to this order can be made without leave of Court.”

\_\_\_\_\_  
Attorney for Plaintiff(s)

\_\_\_\_\_  
Attorney for Defendant(s)

Based on the foregoing,

**IT IS ORDERED** that this Joint Proposed Pretrial Order jointly submitted by the parties is hereby **APPROVED** and **ADOPTED** as the Final Pretrial Order of this Court.