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

,

Plaintiff(s),

v.

,

Defendant(s).

No. CV-

**PROPOSED FINAL PRETRIAL
ORDER**

The following is the joint Proposed Final Pretrial Order to be considered at the Final Pretrial Conference set for _____ 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) that gives this Court jurisdiction. (E.g., Jurisdiction in this case is based on diversity of citizenship under 28 U.S.C. § 1332.)

2. State whether jurisdiction is disputed. (If jurisdiction is disputed, the party contesting jurisdiction shall set forth with specificity the bases for the objection.)

1 **C. STIPULATIONS AND UNCONTESTED FACTS AND LAW**

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

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

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

6 **D. CONTESTED ISSUES OF FACT AND LAW**

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

10 E.g., Issue # 1: Whether Plaintiff used due care.

11 Plaintiff Contends: Plaintiff looked both ways before crossing street

12 Defendant Contends: Plaintiff ran out into the street without looking

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

16 E.g., Issue # 1: Whether Plaintiff's suit is barred by the doctrine of laches.

17 Plaintiff Contends: . . .

18 Defendant Contends: . . .

19 **E. LIST OF WITNESSES**

20 Each party must separately list the names of witnesses, their addresses, whether they
21 are fact or expert witnesses, and a brief description of the testimony of each witness. The
22 witnesses shall be grouped as follows: (a) witnesses who will be called at trial;
23 (b) witnesses who may be called at trial; and (c) witnesses who are unlikely to be called at
24 trial. Additionally, the parties shall include the following text in this section of
25 the Proposed Final Pretrial Order: "Each party understands that it is responsible for
26 ensuring that the witnesses it wishes to call to testify are subpoenaed. Each party further
27 understands that any witness a party wishes to call shall be listed on that party's list of
28 witnesses; the party cannot rely on the witness having been listed or subpoenaed by another

1 party.”

2 **F. LIST OF EXHIBITS**

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

5 **a.** Plaintiff’s Exhibits:

6 **b.** Defendant’s Exhibits:

7 **2.** As to the following exhibits, the parties have reached the following
8 stipulations:

9 **a.** Plaintiff’s Exhibits:

10 **b.** Defendant’s Exhibits:

11 **3.** As to the following exhibits, the party against whom the exhibit is to be
12 offered objects to the admission of the exhibit and offers the objection stated below:

13 **a.** Plaintiff’s Exhibits: (E.g., City Hospital records of Plaintiff from
14 March 6, 1985 through March 22, 1985. Defendant objects for lack of foundation because
15 (the objection must specify why there is a lack of foundation.))

16 **b.** Defendant’s Exhibits: (E.g., Payroll records of Plaintiff’s employer
17 that evidence payment of Plaintiff’s salary during hospitalization and recovery. Plaintiff
18 objects on grounds of relevance and materiality because (the objection must specify why
19 the exhibit is not relevant or material.))

20 **4.** If there are more than 20 exhibits, the parties must submit their exhibit lists
21 in writing, five days before trial, in a format to be designated by the Court at the Final
22 Pretrial Conference or in Word® format by e-mail to
23 morrissey_chambers@azd.uscourts.gov.

24 **5.** The parties must include the following text in this section of the Proposed
25 Final Pretrial Order: “Each party hereby acknowledges by signing this joint Proposed Final
26 Pretrial Order that any objections not specifically raised herein are waived.”

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1 **G. DEPOSITIONS TO BE OFFERED**

2 The parties shall list the depositions that may be used at trial. The portions to be
3 read or submitted at trial must be identified by page and line number. Additionally, the
4 party offering the deposition must provide the Court with a copy of the offered deposition
5 testimony. The offering party must highlight, in color, the portions of the deposition to be
6 offered. If multiple parties are offering the same deposition, the parties must submit only
7 one copy of such deposition containing each party’s highlighting (each party should use a
8 different color).

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

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

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

17 Motions in limine must be filed as separate pleadings and responded to in
18 accordance with the instructions contained in the Order Setting Final Pretrial Conference.

19 **I. LIST OF PENDING MOTIONS**

20 List all pending motions.

21 **J. PROCEDURES FOR EXPEDITING TRIAL**

22 The parties must discuss and report on all available procedures that might be used
23 to expedite trial, including but not limited to: (a) presenting stipulated summaries of
24 deposition testimony rather than reading deposition excerpts; (b) editing videotaped
25 depositions to limit the amount of time required for presentation; (c) using summary
26 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity and
27 foundation; (e) presenting direct expert testimony through summary or written reports; and
28 (f) using the courtroom technology to expedite the presentation of evidence. The parties

1 may contact Robyn Tennison at 602-322-7680 to arrange a time to visit the courtroom and
2 examine its technology. Information about courtroom technology can also be found at
3 www.azd.uscourts.gov under “Judges’ Information/Orders, Forms &
4 Procedures/Courtroom Technology.”

5 **K. ESTIMATED LENGTH OF TRIAL**

6 _____ hours for opening statements and closing arguments

7 _____ hours for Plaintiff(s) case

8 _____ hours for Defendant(s) case

9 _____ hours for rebuttal

10 **L. JURY DEMAND**

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

13 1. The parties stipulate that the request was timely and properly made;

14 2. The Plaintiff/Defendant contends that the request was untimely made
15 because . . . (explain why request was untimely); or

16 3. The Plaintiff/Defendant contends that although the request for trial by jury
17 was timely, the request is otherwise improper as a matter of law because (indicate the legal
18 basis for why a jury trial is improper).

19 **M. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**
20 **BENCH TRIALS**

21 Proposed Findings of Fact and Conclusions of Law shall be lodged by each party as
22 a document pleading in accordance with the instructions contained in the Order Setting
23 Final Pretrial Conference. The parties must include the following text in this section of the
24 Proposed Final Pretrial Order: “The separately lodged Proposed Findings of Fact and
25 Conclusions of Law are incorporated by reference into this Proposed Final Pretrial Order.”

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

4 The joint Proposed Jury Instructions, joint Proposed Voir Dire Questions, and
5 Proposed Forms of Verdict shall be filed in accordance with the instructions contained in
6 the Order Setting Final Pretrial Conference.

7 **O. CERTIFICATIONS**

8 The parties shall include the following text in this section of the Proposed Final
9 Pretrial Order:

10 The undersigned counsel for each of the parties in this
11 action do hereby certify and acknowledge the following
12 matters.

13 **1.** All discovery has been completed.

14 **2.** The identity of each witness has been disclosed
15 to opposing counsel.

16 **3.** Each exhibit listed: (1) is in existence; (2) is
17 numbered; and (3) has been disclosed and shown to opposing
18 counsel.

19 **4.** The parties have complied in all respects with the
20 mandates of the Court's Rule 16 Scheduling Order and Order
21 Setting Final Pretrial Conference.

22 **5.** The parties have made all of the disclosures
23 required by the Federal Rules of Civil Procedure (unless
24 otherwise previously ordered to the contrary).

25 **6.** The parties acknowledge that once this Proposed
26 Final Pretrial Order has been signed and lodged by the parties,
27 no amendments to this Order can be made without leave of
28 Court.

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.