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

,	No. CV-XXX-XXXXX-TUC-RCC
Plaintiff,	[Proposed Joint Pretrial Order]
v.	
,	
Defendant.	

Pursuant to the Scheduling Order previously entered, the following Proposed Joint Pretrial Order reflects the agreement of the parties and shall, upon approval of the Court, be incorporated into the Final Pretrial Order:

I. IDENTIFICATION OF PARTIES AND COUNSEL

II. NATURE OF ACTION

Provide a concise statement of the type of the case, including the cause of action and the relief sought.

III. STATEMENT OF JURISDICTION

State the claims and cite the statutes which give this Court jurisdiction over each claim.

IV. 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 or 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 proven in order for the party to prevail on that

1 claim or defense.

2 **V. STIPULATIONS AND UNCONTESTED FACTS**

3 Identify any stipulations reached between the parties and any facts that are
4 uncontested.

5 **VI. CONTESTED ISSUES OF FACT**

6 List issues of fact to be tried and determined upon trial. Each issue of fact must be
7 stated separately and in specific terms, followed by the parties' contentions as to
8 each issue. E.g.:

9 Issue:

10 Plaintiff(s) contends:

11 Defendant(s) contends:

12 **VII. CONTESTED ISSUES OF LAW**

13 The following are issues of law to be tried and determined upon trial. Each issue
14 of law must be stated concisely, separately and in specific terms, followed by the
15 parties' contentions as to each issue. E.g.:

16 Issue:

17 Plaintiff(s) contends:

18 Defendant(s) contends:

19 **VIII. LIST OF WITNESSES**

20 Each party shall provide a list of witnesses intended to be called at trial. As to each
21 witness, identify whether he or she is a fact or expert witness and include a brief
22 statement of the expected testimony of any expert witness.

23

24 The parties shall include the following text in this section of the Proposed Final
25 Pretrial Order: "Each party understands that it is responsible for ensuring that the
26 witnesses it wishes to call to testify are subpoenaed. Each party further understands
27 that any witness a party wishes to call shall be listed on that party's list of witnesses;
28 the party cannot rely on the witness having been listed or subpoenaed by another

1 party.”

2 **IX. LIST OF EXHIBITS**

3 Each party shall provide a list of numbered exhibits. As to each exhibit, the party
4 shall include a description containing sufficient information to identify and
5 distinguish the exhibit. Further, a statement of either UNCONTESTED or
6 CONTESTED shall follow each listed exhibit. If contested, a brief statement of
7 the objection by the opposing party shall also follow the listed exhibit. Exhibits
8 shall be marked according to the instructions received from the Court (which
9 shall be provided approximately two weeks prior to trial).

10 (e.g. – 1. Laboratory Report from the Clinical Immunology Diagnostic Laboratory
11 dated 6/15/14. CONTESTED by *** for relevance, foundation, hearsay, etc.)
12

13 The parties shall include the following text in this section of the Proposed Final
14 Pretrial Order: “Each party hereby acknowledges by signing this joint Proposed
15 Final Pretrial Order that any objections not specifically raised herein are waived.”

16 **X. LIST OF DEPOSITIONS**

17 Portions of depositions that will be read at trial must be listed by the party
18 intending to introduce the same and must include the page and line number(s). A
19 statement of either UNCONTESTED or CONTESTED shall follow every
20 identified portion of each listed deposition. If contested, a brief statement of the
21 objection by the opposing party shall follow the listed portion of the deposition to
22 be offered.
23

24 The parties shall include the following text in this section of the joint Proposed
25 Final Pretrial Order: “Each party hereby acknowledges by signing this joint
26 Proposed Final Pretrial Order that any deposition not listed as provided herein will
27 not be permitted at trial absent good cause.”

28 ///

1 **XI. JURY TRIAL or BENCH TRIAL**

2 A. For a Jury Trial

3 Trial briefs (only upon request of the Court), proposed voir dire, deposition
4 testimony, objections to exhibits and depositions, stipulations, interrogatories to
5 the jury, and stipulated jury instructions shall be filed thirty (30) days prior to trial
6 unless otherwise directed by the Court. Jury instructions which are not agreed
7 upon, together with a concise argument in support of the instruction, shall be filed
8 with the Court and served upon each party at least thirty (30) days before trial.
9 Objections to the non-agreed upon jury instructions shall be filed with the Court
10 and served upon each party fourteen (14) days thereafter. No replies shall be
11 permitted without prior approval from the Court. All proposed jury instructions
12 shall conform with Local Rule 51. Motions in limine shall be filed no later than
13 thirty (30) days before trial. Any opposition shall be filed and served fourteen
14 (14) days thereafter. No replies shall be permitted without prior approval from the
15 Court.

16 B. For a Bench Trial

17 Trial briefs (only upon request of the Court), objections to exhibits, objections to
18 deposition testimony, motions in limine, and stipulations shall be filed and served
19 at least thirty (30) days prior to trial. Proposed findings of facts and conclusions
20 of law (only upon request of the Court) shall be filed fourteen (14) days prior to
21 trial, or as otherwise directed by the Court.

22 **XII. PROBABLE LENGTH OF TRIAL**

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

25 **XIII. ADDITIONAL INFORMATION THAT MAY BE HELPFUL TO THE**
26 **COURT**

27 A. Pending Motions: Identify all motions that remain pending on the docket as
28 of the date of this Joint Proposed Pretrial Order.

1 B. Any other information that may be helpful to the Court.

2 **XIV. INFORMATION FOR COURT REPORTER**

3 In order to facilitate the creation of an accurate record, please file a "Notice to Court
4 Reporter" **one week before trial** containing the following information that may be
5 used at trial:

- 6 1. Proper names, including those of witnesses;
- 7 2. Acronyms;
- 8 3. Geographic locations;
- 9 4. Technical (including medical) terms, names or jargon;
- 10 5. Case names and citations; and
- 11 6. Pronunciation of unusual or difficult words or names.

12 In addition, please send (or transmit electronically) to the court reporter a copy of
13 the concordance from key depositions.

14 **XV. CERTIFICATION**

15 Undersigned counsel for each of the parties in this action do hereby approve and
16 certify:

- 17 1. All discovery has been completed.
- 18 2. The identity of each witness has been disclosed to opposing counsel.
- 19 3. Each exhibit listed herein: (a) is in existence; (b) is numbered; and (c) has
20 been disclosed and shown to opposing counsel.
- 21 4. All other form and content of this proposed Joint Pretrial Order.

22 **XVI. ADOPTION**

23 The Court may adopt this proposed Joint Pretrial Order at the Pretrial Conference
24 or at a subsequent hearing.

25
26 _____
27 Attorney for Plaintiff

25
26 _____
27 Attorney for Defendant