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

,
Plaintiff,
v.
,
Defendant.

No. CV-PHX-ROS
ORDER

Pursuant to the scheduling order entered [date], the following Joint Proposed Pretrial Order is to be considered at the Final Pretrial Conference set [date].

A. TRIAL COUNSEL FOR THE PARTIES

(Include mailing address, phone number and email address)

Plaintiff(s):

Defendant(s):

B. STATEMENT OF JURISDICTION/VENUE

Cite statutes or rules which give this Court jurisdiction and venue.

(e.g., Jurisdiction in this case is based on diversity of citizenship under Title 28 U.S.C. § 1332.)

C. NATURE OF ACTION

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

(e.g., - This is a products liability case wherein the plaintiff

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seeks damages for personal injuries sustained when he fell from the driver’s seat of a forklift. The plaintiff contends the forklift was defectively designed and manufactured by the defendant and the defects were a producing cause of his injuries and damages.)

D. JURY/NON-JURY

State whether any party has demanded a jury trial of all or any of the issues and, if so, whether each adversary accepts or contests the demand for jury trial.

E. CONTENTIONS OF THE PARTIES

With respect to each count of the complaint, counterclaim or cross-claim, and to any defense, affirmative defense, or 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 each claim or defense and set forth the relief (e.g., monetary damages), if any, claimed by each party. Citation to relevant and/or controlling legal authority is required.

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

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

F. STIPULATIONS AND UNDISPUTED FACTS

G. PLAINTIFF’S CONTENTIONS OF DISPUTED FACT

H. DEFENDANT’S CONTENTIONS OF DISPUTED FACT

I. ISSUES OF LAW IN CONTROVERSY

List briefly any points of law, substantive, evidentiary or procedural, as well as the measure or kind of relief prayed for, which are or may be reasonably expected to be in controversy.

J. SEPARATE TRIAL OF ISSUES

State whether separate trial of any of the issues is advisable and feasible.

1 **K. WITNESSES**

2 Provide a separate list for each party of all witnesses whom the party will call or
3 may call in person or through deposition, except witnesses who may be called only for
4 impeachment or rebuttal. Additionally, the parties shall designate which witnesses (1)
5 shall be called at trial, (2) may be called at trial, and (3) are unlikely to be called at trial.
6 Also provide a very short summary of the intended testimony of the witness. If any
7 additional witnesses come to the attention of counsel prior to the trial, a supplemental list
8 and summary must be prepared, with notice to the opposing side, and filed with the
9 Court.

10 This supplemental list must include the reason why the witness’s name was not set forth
11 in this Joint Proposed Pretrial Order.

12 **L. EXPERTS**

13 Provide a brief summary of each expert’s qualifications and proposed testimony
14 and list any stipulations relating to the number or nature of experts to be called by the
15 parties.

16 **M. EXHIBITS**

17 Each party must submit with this proposed order a list of numbered exhibits with a
18 description of each containing sufficient information to identify the exhibit and indicating
19 whether an objection to its admission is anticipated, the basis for such objection, and the
20 opposing party’s response to that objection. Prior to submitting the joint pretrial order,
21 however, the parties shall meet and confer in good faith regarding each objection to an
22 exhibit, and the response to that objection, in an effort to resolve the dispute without the
23 Court’s intervention.

24 Whenever a subject matter will reasonably require itemization, computation or
25 illustration, counsel shall prepare diagrams, photocopies or other similar exhibits as may
26 be reasonably necessary for a clear presentation of the subject matter.

27 **N. MOTIONS IN LIMINE & REQUESTED EVIDENTIARY RULINGS**

28 Set forth the motions in limine which have been filed and whether they have been

1 ruled upon or are scheduled to be ruled upon at the Final Pretrial Conference. Briefly
2 state objections to admission of any anticipated testimony with citation to the applicable
3 Federal Rules of Evidence.

4 **O. PROBABLE LENGTH OF TRIAL**

5 **P. TRIAL DATE**

6 Provide available trial dates after the Final Pretrial Conference for all trial counsel
7 and witnesses.

8 **FOR A BENCH TRIAL**

9 **Q-1. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

10 shall be filed and served by each party in accordance with the instructions set forth in this
11 Court's Rule 16 Scheduling Order.

12 **FOR A JURY TRIAL**

13 **Q-2. STIPULATED PROPOSED STATEMENT OF THE CASE, JURY**
14 **INSTRUCTIONS, VOIR DIRE QUESTIONS, JUROR QUESTIONNAIRES,**
15 **FORMS OF VERDICT AND TRIAL MEMORANDUM OF LAW** shall be filed with
16 this proposed order in accordance with the procedures set forth in this Court's Rule 16
17 Scheduling Order.

18 **R. MISCELLANEOUS**

19 Set forth any other appropriate matters which will aid in the effective presentation
20 or disposition of the action.

21 **S. MODIFICATION OF ORDER**

22 The Court may, in order to prevent manifest injustice or for good cause shown, at
23 the trial of the action or prior thereto upon application of counsel for either party, made in
24 good faith, or upon the motion of the Court, modify the Final Pretrial Order upon such
25 conditions as the Court may deem just and proper.

26 **APPROVED AS TO FORM AND CONTENT:**

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Attorney for Plaintiff

Attorney for Defendant

**THIS JOINT PRETRIAL ORDER IS HEREBY APPROVED ON THIS ____ DAY
OF _____, 20__.**