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

XXX,

Plaintiff,

v.
YYY,

Defendant.

No. CV XX-XXXXX -PHX/PCT CDB
**PROPOSED FINAL PRETRIAL
ORDER**

The following is the joint Proposed Final Pretrial Order to be considered at the Final Pretrial Conference set for ~ 202_ 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) which gives this Court jurisdiction. (E.g., Jurisdiction in this case is based on diversity of citizenship under Title 28 U.S.C. §1332.)

2. State whether jurisdiction is or is not 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 trial by
- 4 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 issue of

8 fact must be stated separately and in specific terms. Each party’s intention must be set

9 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 must be

14 stated separately in specific terms. Each party’s contention must be set forth with respect

15 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 shall 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 shall be called at trial; (b)

23 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 the

25 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

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1 witnesses; the party cannot rely on the witness having been listed or subpoenaed by
2 another party.”

3 **F. LIST OF EXHIBITS**

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

6 **a.** Plaintiff’s Exhibits:

7 **b.** Defendant’s Exhibits:

8 **2.** As to the following exhibits, the parties have reached the following 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 offered
12 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 March 6,
14 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 which
17 evidence payment of Plaintiff’s salary during hospitalization and recovery.
18 Plaintiff objects on grounds of relevance and materiality because ... (the objection
19 must specify why the exhibit is not relevant or material.))
20

21 **Exhibits are due to the Court 48 hours in advance of the trial date. Please contact**
22 **Judge Bibles’ Courtroom Deputy to schedule.**

23 **4.** The parties shall include the following text in this section of the Proposed Final
24 Pretrial Order: “Each party hereby acknowledges by signing this joint Proposed Final
25 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 read
3 or submitted at trial shall be identified by page and line number. Additionally, the party
4 offering the deposition shall provide the Court with a copy of the offered deposition
5 testimony. The offering party shall highlight, in color, the portions of the deposition to be
6 offered. If multiple parties are offering the same deposition, only one copy of
7 such deposition shall be provided. Such copy shall contain each party’s highlighting (each
8 party should use a different color).

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

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

14 Motions in limine shall be filed as separate pleadings and responded to in accordance
15 with the instructions contained in the Order Setting Final Pretrial Conference.

16 **I. LIST OF PENDING MOTIONS**

17 List all pending motions.

18 **J. PROCEDURES FOR EXPEDITING TRIAL**

19 The parties shall discuss and report on all available procedures that might be used to
20 expedite trial, including but not limited to (a) presenting stipulated summaries of deposition
21 testimony rather than reading deposition excerpts; (b) editing videotaped depositions to
22 limit the amount of time required for presentation; (c) using summary exhibits in
23 place of voluminous documentary evidence; (d) stipulations on authenticity and
24 foundation; (e) presenting direct expert testimony through summary or written reports;
25 (f) using the courtroom technology to expedite the presentation of evidence. The parties
26 are invited to contact Judge Bibles’ chambers at 928-774-2566 to arrange a time to visit
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1 the courtroom and examine its technology. Information about courtroom
2 technology can also be found at www.azd.uscourts.gov under Judges and
3 Courtrooms and Orders, Forms and Procedures.

4 **K. ESTIMATED LENGTH OF TRIAL**

5 _____ hours for opening statements and closing arguments

6 _____ hours for Plaintiff(s) case

7 _____ hours for Defendant(s) case

8 _____ hours for rebuttal

9 **L. JURY DEMAND**

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

- 12 1. The parties stipulate that the request was timely and properly made;
- 13 2. The Plaintiff/Defendant contends that the request was untimely made
14 because . . . (explain why request was untimely); or
- 15 3. The Plaintiff/Defendant contends that although the request for trial by
16 jury was timely, the request is otherwise improper as a matter of law because . . .
17 (indicate the legal basis for why a jury trial is improper).

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

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

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

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

8 **O. CERTIFICATIONS**

9 The parties shall include the following text in this section of the Proposed Final
10 Pretrial Order: “The undersigned counsel for each of the parties in this action do hereby
11 certify and acknowledge the following:

- 12 1. All discovery has been completed.
- 13 2. The identity of each witness has been disclosed to opposing counsel.
- 14 3. Each exhibit listed herein: (1) is in existence; (2) is numbered; and (3) has
15 been disclosed and shown to opposing counsel.
- 16 4. The parties have complied in all respects with the mandates of the
17 Court’s Rule 16 Scheduling Order and Order Setting Final Pretrial Conference.
- 18 5. The parties have made all of the disclosures required by the Federal Rules
19 of Civil Procedure (unless otherwise previously ordered to the contrary).
- 20 6. The parties acknowledge that once this Proposed Final Pretrial Order has
21 been signed and lodged by the parties, no amendments to this Order can be made
22 without leave of Court.”

23 **P. INFORMATION FOR COURT REPORTER**

24 In order to facilitate the creation of an accurate record, please file a “Notice to
25 Court Reporter” **two weeks before trial** containing the following information to be
26 used at trial:

- 27 1. Proper names, including those of witnesses.
- 28 2. Acronyms.
3. Geographic locations.

