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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

,
Plaintiff,
vs.
,
Defendant.

No.
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) 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.)

C. STIPULATIONS AND UNCONTESTED FACTS AND LAW

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

1 proof:

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

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

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

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

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

10 Plaintiff Contends:

11 Defendant Contends: .

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

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

16 Plaintiff Contends: . . .

17 Defendant Contends: . . .

18 **E. LIST OF WITNESSES**

19 Each party shall separately list the names of witnesses, their addresses, whether
20 they are fact or expert witnesses, and a brief description of the testimony of each witness.
21 The witnesses shall be grouped as follows: (a) witnesses who shall be called at trial;
22 (b) witnesses who may be called at trial; and (c) witnesses who are unlikely to be called
23 at trial. Additionally, the parties shall include the following text in this section of
24 the Proposed Final Pretrial Order: "Each party understands that it is responsible for
25 ensuring that the witnesses it wishes to call to testify are subpoenaed. Each party further
26 understands that any witness a party wishes to call shall be listed on that party's list of
27 witnesses; the party cannot rely on the witness having been listed or subpoenaed by
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1 another 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
15 because . . . (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 which evidence payment of Plaintiff’s salary during hospitalization and
18 recovery. Plaintiff objects on grounds of relevance and materiality because ...
19 (the objection must specify why the exhibit is not relevant or material.))

20 If there are more than 20 exhibits, the parties shall submit their exhibit lists in writing,
21 five days before trial, in a format to be designated by the Court at the Final Pretrial
22 Conference, in Word by email to Nancy_Outley@azd.uscourts.gov.

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

26 **G. DEPOSITIONS TO BE OFFERED**

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

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

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

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

14 **I. LIST OF PENDING MOTIONS**

15 List all pending motions.

16 **J. PROCEDURES FOR EXPEDITING TRIAL**

17 The parties shall discuss and report on all available procedures that might be used
18 to expedite trial, including but not limited to (a) presenting stipulated summaries of
19 deposition testimony rather than reading deposition excerpts; (b) editing videotaped
20 depositions to limit the amount of time required for presentation; (c) using summary
21 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity
22 and foundation; (e) presenting direct expert testimony through summary or written
23 reports; (f) using the courtroom technology to expedite the presentation of evidence. The
24 parties are invited to contact Brian Lalley at 602-322-7131 to arrange a time to visit the
25 courtroom and examine its technology. Information about courtroom technology can also
26 be found at www.azd.uscourts.gov under Judges and Courtrooms and Orders, Forms and
27 Procedures.

1 **K. ESTIMATED LENGTH OF TRIAL**

2 ____ hours for opening statements and closing arguments

3 ____ hours for Plaintiff(s) case

4 ____ hours for Defendant(s) case

5 ____ hours for rebuttal

6 **L. JURY DEMAND**

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

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

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

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

15 **M. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**
16 **BENCH TRIALS**

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

23 **N. JOINT PROPOSED JURY INSTRUCTIONS, JOINT PROPOSED VOIR**
24 **DIRE QUESTIONS, AND PROPOSED FORMS OF VERDICT FOR JURY**
25 **TRIALS**

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

2 **O. CERTIFICATIONS**

3 The parties shall include the following text in this section of the Proposed Final
4 Pretrial Order: "The undersigned counsel for each of the parties in this action do hereby
5 certify and acknowledge the following:

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

19 **P. INFORMATION FOR COURT REPORTER**

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

- 23 1. Proper names, including those of witnesses.
- 24 2. Acronyms.
- 25 3. Geographic locations.
- 26 4. Technical (including medical) terms, names or jargon.
- 27 5. Case names and citations.

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