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

<p style="text-align: center;">,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">,</p> <p style="text-align: center;">Defendant.</p>	<p>No. CV -DWL</p> <p>ORDER</p>
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Pursuant to Rule 16(d) of the Federal Rules of Civil Procedure, a Final Pretrial Conference shall be held on _____¹ in Courtroom 601, Sandra Day O’Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix, Arizona 85003. In preparation for the Final Pretrial Conference, it is hereby ordered:

1. Attendance Required. The attorneys (or *pro se* parties) who will be responsible for the trial of the case must attend the Final Pretrial Conference. The attendees must bring their calendars so trial scheduling can be discussed.

2. Proposed Final Pretrial Order.

Timing: The parties must jointly prepare a Proposed Final Pretrial Order and file it with the Court **at least** seven days before the Final Pretrial Conference. The parties must exchange drafts of the Proposed Final Pretrial Order no later than 14 days before the submission deadline. The Plaintiff(s) has the burden of initiating such communications. The parties also must submit a copy of the Proposed Final Pretrial Order to the Court in

¹ This is subject to change, *sua sponte* or in response to a motion to continue, if the COVID-19 pandemic situation does not improve.

1 Word format to lanza_chambers@azd.uscourts.gov.

2 *Effect:* Preparation and lodging of the Proposed Final Pretrial Order in accordance
3 with the requirements of this Order will be deemed to satisfy the disclosure requirements
4 of Rule 26(a)(3) of the Federal Rules of Civil Procedure.

5 *Content:* The Proposed Final Pretrial Order must include the information prescribed
6 in the “Joint Proposed Final Pretrial Order” form that is available at www.azd.uscourts.gov
7 under: Judges’ Information → Orders, Forms and Procedures → Dominic W. Lanza. The
8 information may not be set forth in the form of a question and must be presented in concise
9 narrative statements.

10 3. Marking of Exhibits. The parties must meet in person² to exchange marked
11 copies of all exhibits to be used at trial no later than 14 days before the submission deadline
12 for the Proposed Final Pretrial Order. During this meeting, the parties also must eliminate
13 any duplicate exhibits.³ Further information about the Court’s exhibit marking procedures
14 can be found in the document entitled “Exhibit Procedures,” which is available at
15 www.azd.uscourts.gov under: Judges’ Information → Orders, Forms and Procedures →
16 Dominic W. Lanza.

17 4. Preclusion of Undisclosed Matters. The parties are advised that the Court
18 will not allow the parties to offer any exhibit, witness, or other evidence that was not
19 disclosed in accordance with this Order and the Federal Rules of Civil Procedure and listed
20 in the Proposed Final Pretrial Order, except to prevent manifest injustice.

21 5. Motions in Limine. If this case will be tried to the Court, the parties may not

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23 ² If any doubt remains about the prudence of an in-person meeting (due to health and
24 safety concerns) as the deadline draws near, the parties are ordered *not* to meet, and instead
25 to file a motion (1) seeking a continuance, or (2) proposing an alternative solution.

26 ³ During the in-person meeting, the exhibits must be in the exact physical form that
27 will be used at trial. In other words, if a party intends to offer a paper exhibit at trial, that
28 party must have a marked paper copy at the in-person meeting, not an electronic copy.
Also, the parties should mark their exhibits exactly as they intend to offer them at trial.
During trial, exhibits will be admitted or rejected in their entirety. Thus, if any part of an
exhibit is objectionable, it will be excluded in its entirety. The parties will not be permitted
to break offered exhibits into admissible sub-parts if an objection is sustained.

1 file motions in limine. If this case will be tried to a jury, the parties must file all motions
2 in limine no later than _____. Each party may file no more than five motions in limine.
3 Responses must be filed no later than _____. No replies are permitted. Each motion in
4 limine must include proposed language for the order being sought from the Court, and the
5 proposed language must state with precision the evidence that is subject to the proposed
6 order and the limitation or exclusion placed on the evidence. The motions and responses
7 must be concise and must not exceed three (3) pages in length. Counsel shall be prepared
8 to argue the merits of such motions at the Final Pretrial Conference.

9 6. Other Case-Related Documents (Jury Trial). If this case will be tried to a
10 jury, the parties must—by the deadline for filing the Proposed Final Pretrial Order—file
11 the following documents (and submit copies of these documents in Word format to the
12 chambers email address):

- 13 a. A stipulated joint statement of the case, which will be read to the jury.
- 14 b. A proposed set of voir dire questions. To the extent possible, the
15 parties should stipulate to the proposed questions. If the parties have
16 any disagreement about a particular question, they must state the
17 reason for their objection below the question.
- 18 c. A joint master list of the names of every witness who may be called
19 at trial, to be used during voir dire.
- 20 d. Proposed forms of verdict, including any proposed special verdict
21 forms or juror interrogatories.
- 22 e. A joint list of proposed jury instructions. The joint list must contain
23 the following four sections:
 - 24 (1) A list of all applicable Ninth Circuit Model Civil Jury
25 Instructions, which are available at
26 <http://www3.ce9.uscourts.gov/jury-instructions/model-civil>.
27 If a model instruction is requested by both parties, the
28 instruction shall be preceded by “ST” (stipulated-to). If the

1 instruction is requested by only one party, the instruction shall
2 be preceded by either “PL” (Plaintiff) or “DF” (Defendant).

3 (2) Any non-model instructions to which the parties have
4 stipulated, with only one instruction per page.

5 (3) Any non-model instructions requested by Plaintiff (numbered
6 consecutively), with only one instruction per page. Plaintiff
7 shall include citation to authority to support the requested
8 instruction. Defendant shall state all objections to such
9 instruction immediately following the instruction and
10 Plaintiff’s authority. Defendant shall support any objection
11 with citation to authority. If Defendant offers an alternative
12 instruction, such alternative instruction shall immediately
13 follow Defendant’s objection.

14 (4) Any non-model instructions requested by Defendant
15 (numbered consecutively), with only one instruction per page.
16 Defendant shall include citation to authority to support the
17 requested instruction. Plaintiff shall state all objections to such
18 instruction immediately following the instruction and
19 Defendant’s authority. Plaintiff shall support any objection
20 with citation to authority. If Plaintiff offers an alternative
21 instruction, such alternative instruction shall immediately
22 follow Plaintiff’s objection.

23 7. Other Case-Related Documents (Bench Trial). If this case will be tried to
24 the Court, the parties must—by the deadline for filing the Proposed Final Pretrial Order—
25 file proposed findings and fact and conclusions of law (and submit copies of the same in
26 Word format to the chambers email address).

27 8. Settlement Discussions: The parties must be prepared to advise the Court at
28 the Final Pretrial Conference of the status of settlement discussions. Should settlement be

1 reached at any time, the parties must promptly file a Notice of Settlement with the Clerk
2 of the Court.

3 9. Information for Court Reporter. To facilitate the creation of an accurate
4 record, please prepare a “Notice to Court Reporter” one week before the Final Pretrial
5 Conference containing the following information:

- 6 a. Proper names, including those of witnesses.
- 7 b. Acronyms.
- 8 c. Geographic locations.
- 9 d. Technical (including medical) terms, names, or jargon.
- 10 e. Case names and citations.
- 11 f. Pronunciation of unusual or difficult words or names.

12 This notice need not be filed but must be provided via e-mail to Candy Potter at
13 candy_potter@azd.uscourts.gov. Her contact number is 602-322-7246. Counsel also must
14 advise the court reporter as soon as possible if they would like to receive a real-time feed
15 or daily turnaround transcript of the proceedings.

16 10. Compliance Required. The Court wishes to emphasize to the parties that it
17 views compliance with the provisions of this Order as critical to its case management
18 responsibilities and to the responsibilities of the parties under Rule 1 of the Federal Rules
19 of Civil Procedure. Thus, full and complete compliance with this Order is required.