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

,
Plaintiffs,
v.
,
Defendants.

No. CV-TUC-JGZ
**JOINT PROPOSED PRETRIAL
ORDER**

The following are pretrial proceedings in this cause as agreed to by the parties and approved by the Court:

I. NATURE OF ACTION

This is an action for: (Short concise statement of the case, including the nature of the action and the relief sought.)

II. STATEMENT OF JURISDICTION

Statement of jurisdiction: (state the claims and cite the statutes which give this Court jurisdiction over each claim.)

III. 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 of 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 proved in order for the party to prevail on that claim or defense.

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(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)

IV. STIPULATIONS AND UNCONTESTED FACTS

State the facts that have been stipulated to or are uncontested.

V. CONTESTED ISSUES OF LAW/FACT

State the ultimate issues of fact and law which must be decided at trial. State only the issues of fact and law necessary and material for a verdict in this case. Each issue must be stated separately and specifically.

VI. PENDING MOTIONS

State all motions that remain pending on the docket as of the date of the proposed order.

VII. LIST OF EXHIBITS

Each party must submit with this proposed order a list of numbered exhibits, with a description of each containing sufficient information to identify the exhibit, and indicating whether an objection to its admission is anticipated. Exhibits should be marked according to instructions received from the court.

VIII. LIST OF WITNESSES

A jointly prepared list of witnesses, identifying each as either plaintiff's or defendant's and indicating whether a fact or expert witness must accompany this proposed order. A brief statement as to the testimony of each expert witness must be included.

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1 IX. FOR A BENCH TRIAL

2 Trial briefs, objections to exhibits, motions in limine, stipulations, and proposed
3 findings of fact and conclusions of law shall be filed and served thirty (30) days
4 prior to trial.

5 X. FOR A JURY TRIAL

6 Proposed voir dire, objections to exhibits, deposition testimony, stipulations, and
7 trial memoranda shall be filed thirty (30) days before trial.

8 Stipulated jury instructions shall be filed thirty (30) days before trial. Instructions
9 which are not agreed upon, and a concise argument in support of the instruction
10 shall be filed and served upon each party thirty (30) days before trial. Objections
11 to the non-agreed upon instructions shall be filed and served upon each party
12 fourteen (14) days thereafter.

13 Motions in limine shall be filed thirty (30) days before trial. Any opposition shall
14 be filed and served fourteen (14) days thereafter.

15 XI. PROBABLE LENGTH OF TRIAL

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

18 XII. CERTIFICATION

19 The undersigned counsel for each of the parties in this action do hereby approve
20 and certify to the following:

- 21 1. All discovery has been completed.
- 22 2. The identity of each witness has been disclosed to opposing counsel.
- 23 3. Each exhibit listed herein: (a) is in existence; (b) is numbered, and (c) has
24 been disclosed and shown to opposing counsel.

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XIII. ADOPTION

The court may adopt this proposed Joint Pretrial Order at the Pretrial Conference or subsequent hearing.

Attorney for Plaintiff(s)

Attorney for Defendant(s)