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

Party Name,  
  
Plaintiff,  
  
v.  
  
Party Name,  
  
Defendant.

No. CV-00-00000-PHX-DJH  
**JOINT PROPOSED FINAL  
PRETRIAL ORDER**

Following is the Joint Proposed Final Pretrial Order to be considered at the Final Pretrial Conference in this case set for \_\_\_\_\_ at \_\_\_\_\_ in Courtroom 605, Sandra Day O'Connor U.S. Courthouse, 401 West Washington, Street, Phoenix, Arizona 85003. The attorneys (or *pro se* parties) who are responsible for the trial shall attend the Final Pretrial Conference.

**A. Trial Counsel for the Parties.**

Provide mailing and email addresses, office and cell telephone numbers, and fax numbers of trial counsel.

**B. Statement of Jurisdiction.**

Cite the statute(s) which give this court jurisdiction and venue (e.g., jurisdiction in this case is based on diversity of citizenship under 28 U.S.C. § 1332).

**C. Nature of the Case.**

Provide a concise statement (one page) of the nature of the case, the cause of action and the relief sought.

1 **D. Stipulations and Undisputed Facts and Law.**

2 Provide a concise statement of stipulations and undisputed fact(s) and law in the  
3 following format:

- 4 1. "The following material facts are admitted by the parties and require no proof:"
- 5 2. "The following material facts, although not admitted, will not be contested at  
6 trial by evidence to the contrary:"
- 7 3. "The following issues of law are uncontested and stipulated to by the parties:"

8 **E. Contested Issues of Fact and Law.**

9 Provide a concise statement of contested Issues of fact(s) and law in the following  
10 format:

- 11 1. "The following are the material issues of fact to be tried and decided:"  
12 [Each party's contention must be set forth with respect to each and every issue of  
13 fact and each issue of fact must be stated separately and in specific terms].
- 14 2. "The following are the issues of law to be determined:"  
15 [Each party's contention must be set forth with respect to each and every issue of  
16 law. Each issue of law must be stated separately and in specific terms].

17 **F. Witness List.**

18 Each party shall separately list the names of witnesses, whether they are fact or  
19 expert witnesses and a brief description of the testimony of each witness (except  
20 witnesses who may be called for impeachment). If a witness will appear by deposition  
21 only, the party calling the witness will give notice of the page numbers to be read at trial  
22 to all other parties on or before the date that the pretrial order is filed.

23 **G. Exhibit List.<sup>1</sup>**

24 Each party shall submit a list of numbered exhibits with a concise description of  
25 each exhibit. Document admissibility issues should be resolved by stipulation before  
26 trial. Following the below format, the parties shall work with the Courtroom Deputy

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27  
28 <sup>1</sup> If there are more than 20 exhibits, the parties shall submit their exhibit lists in writing,  
five days before trial by email to humetewa\_chambers@azd.uscourts.gov or on CD-Rom or USB  
flash drive.

1 Clerk to mark all exhibits directly into evidence unless a good faith objection will be  
2 raised at trial.

3 1. The following exhibits are admissible in evidence and may be marked in  
4 evidence by the Courtroom Deputy 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. The party against whom the following exhibit is to be offered objects to the  
12 admission of the exhibit and offers the objection stated below:

- 13 a. Plaintiff's Exhibits:
- 14 b. Defendant's Exhibits:

15 4. The parties shall include the following text in this section of the Joint Proposed  
16 Final Pretrial Order: "Each party hereby acknowledges by signing this Joint Proposed  
17 Final Pretrial Order that any objections not specifically raised herein are waived."

18 **H. Depositions to be Offered.**

19 The parties shall list the depositions that may be used at trial. The portions to be  
20 read or submitted at trial shall be identified by page and line number. The offering party  
21 shall provide the Court with a copy of the offered deposition testimony, and highlight the  
22 portions of the depositions to be offered. Each party shall highlight (in a separate color)  
23 that portion of the deposition it proposes to offer. Where multiple parties are offering the  
24 same deposition, only one copy shall be provided to the Court.

25 Any party objecting to the admission in evidence of any portion of a deposition  
26 shall identify by page and line number the portion to which objection is made and shall  
27 state the grounds of objection specifically.

28 . . . .

. . . .

1 **I. Motions in Limine.**

2 Motions in Limine and responses thereto shall be filed as separate pleadings and in  
3 accordance with the Court's Order Setting Final Pretrial Conference.

4 **J. List All Pending Motions.**

5 List all pending motions other than Motions in Limine.

6 **K. Procedures for Expediting Trial**

7 The parties shall discuss and report on all available procedures that might be used  
8 to expedite trial, including but not limited to (a) presenting stipulated summaries of  
9 deposition testimony rather than reading deposition excerpts; (b) editing videotaped  
10 depositions to limit the amount of time required for presentation; (c) using summary  
11 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity  
12 and foundation; (e) presenting direct expert testimony through summary or written  
13 reports; (f) using the courtroom technology to expedite the presentation of evidence. The  
14 parties are invited to contact the court's Technology Specialist, Brian Lalley, at (602)  
15 322-7131 to arrange a time to visit the courtroom and examine its technology.  
16 Information about courtroom technology can also be found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov)  
17 under Judges' Information; Orders, Forms & Procedures; Standard Procedures Used by  
18 All Phoenix Judges; Electronic/Video Courtroom Equipment Information – Phoenix.

19 **L. Estimated Length of Trial.**

20 \_\_\_\_\_ hours for opening statements and closing arguments.

21 \_\_\_\_\_ hours for Plaintiff(s)' case, including cross-examination of other parties'  
22 witnesses.

23 \_\_\_\_\_ hours for Defendant(s)' case, including cross-examination of other parties'  
24 witnesses.

25 \_\_\_\_\_ hours for rebuttal.

26 **M. Jury Demand.**

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

1. The parties stipulate that the demand for a jury trial was timely;

- 1           2. The Plaintiff(s)/Defendant(s) contend(s) that the demand was untimely because  
2           of [provide an explanation including legal citation]; or  
3           3. The Plaintiff(s)/Defendant(s) contend(s) that although the request for trial by  
4           jury was timely, the request is otherwise improper as a matter of law because . . .  
5           [provide an explanation including legal citations].

6       **N. Proposed Findings of Fact and Conclusions of Law for Bench Trials.**

7           Proposed Findings of Fact and Conclusions of Law shall be filed by each party as  
8           a separate pleading in accordance with the instructions contained in the Order Setting  
9           Final Pretrial Conference.

10       **O. Proposed Set of Supplemental Voir Dire.**

11           The Court's proposed voir dire questions are located on the Court's website at  
12           www.azd.uscourts.gov under Judges' Information/Orders; Forms and Procedures; and  
13           Diane J. Humetewa. In addition, each party may separately file a proposed set of voir  
14           dire questions, not to exceed ten (10) each. The questions shall be drafted in a neutral  
15           manner. If the parties disagree about a particular question, the opponent shall state the  
16           reason for the objection immediately below the question.

17       **P. Joint Proposed Jury Instructions.**

18           The parties shall file a joint list of proposed jury instructions and submit by email  
19           a copy in Microsoft Word to humetewa\_chambers@azd.uscourts.gov. The list of  
20           proposed jury instructions should follow the Ninth Circuit Model Jury Instructions (2007)  
21           available on the Court's website at <http://www.azd.uscourts.gov/judges/judges-orders>.

22           Disputed instructions shall be noted as such at the top of each instruction. Where  
23           an instruction is disputed, immediately following the content of the instruction, the  
24           proponent shall state supporting citations and authorities for the instruction. The party  
25           opposing the instruction shall state all objections to the instruction with citations and  
26           authorities supporting the objection. Where there are multiple defendants, identify the  
27           proposing or opposing party.

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**Q. Form of Verdict.**

Each party shall file a proposed form of verdict, including any proposed special verdict forms or juror interrogatories.

**R. Recording of Proceedings.**

If a party requires special services such as daily copies or real time, they should make such request no later than two (2) weeks prior to trial to Linda Schroeder at Linda\_Schroeder@azd.uscourts.gov.

**S. Certifications.**

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

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

**APPROVED AS TO FORM AND CONTENT:**

\_\_\_\_\_  
Attorney for Plaintiff(s)

\_\_\_\_\_  
Attorney for Defendants(s)

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Based on the foregoing,

**IT IS ORDERED** that this Joint Proposed Final Pretrial Order jointly submitted by the parties is hereby **APPROVED** and **ADOPTED** as the Final Pretrial Order of this Court.

**Dated** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Diane J. Humetewa  
United States District Judge