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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

		)	CV-__ - ____ -PHX-ESW
	Plaintiff(s),	}	
	v.	}	<b>PROPOSED FINAL PRETRIAL ORDER FOR BENCH TRIAL</b>
	Defendant(s).	}	

The following is the joint Proposed Final Pretrial Order to be considered at the Final Pretrial Conference set for \_\_\_\_\_, 201\_ 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 which gives this Court jurisdiction. (E.g., Jurisdiction in this case is based on diversity of citizenship under Title 28 U.S.C. §1332.)

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2. State whether jurisdiction is or is not disputed. (If jurisdiction is disputed, the party contesting jurisdiction shall set forth with specificity the basis for the objection.)

**C. STIPULATIONS AND UNCONTESTED FACTS AND LAW**

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

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

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

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

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

E.g., Issue No. 1: Whether Defendant's conduct breached the parties' contract.

Plaintiff Contends \_\_\_\_\_

Defendant Contends \_\_\_\_\_

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

E.g., Issue No. 1: Whether the contract is unenforceable.

Plaintiff Contends \_\_\_\_\_

Defendant Contends \_\_\_\_\_

Each party shall file a short trial brief on all contested issues of law contemporaneously with the filing of the Proposed Final Pretrial Order.

1 **E. LIST OF WITNESSES**

2 Each party shall separately list the names of witnesses, their addresses, whether  
3 they are fact or expert witnesses, and a brief description of the testimony of each witness.  
4 The witnesses shall be grouped as follows: (a) witnesses who shall be called at trial;  
5 (b) witnesses who may be called at trial; and (c) witnesses who are unlikely to be called at  
6 trial. Additionally, the parties shall include the following text in this section of  
7 the Proposed Final Pretrial Order: "Each party understands that it is responsible for  
8 ensuring that the witnesses it wishes to call to testify are subpoenaed. Each party further  
9 understands that any witness a party wishes to call shall be listed on that party's list of  
10 witnesses; the party cannot rely on the witness having been listed or subpoenaed by  
11 another party."

12 **F. LIST OF EXHIBITS**

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

15 **a.** Plaintiff's Exhibits:

16 **b.** Defendant's Exhibits:

17 **2.** Stipulations regarding exhibits:

18 **a.** Plaintiff's Exhibits:

19 **b.** Defendant's Exhibits:

20 **3.** Objections to exhibits:

21 **a.** Plaintiff's Exhibits: (follow the below format for each exhibit to  
22 which there is an objection)

23 1. Describe exhibit: (e.g. Declaration of John Doe)

24 2. Specify Defendant's objection to exhibit: (e.g. inadmissible  
25 hearsay)

26 3. Explain objection: (e.g. the Declaration of John Doe constitutes)  
27 inadmissible hearsay because \_\_\_\_\_)

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**b.** Defendants Exhibits: (follow the below format for each exhibit to which there is an objection)

- 1. Describe exhibit: (e.g. Defendant's business record dated \_\_\_\_)
- 2. Specify Plaintiff's objection to exhibit: (e.g. relevancy)
- 3. Explain objection: (e.g. Defendant's business record is irrelevant because \_\_\_\_\_)

**4.** If there are more than 20 exhibits, the parties shall submit their exhibit lists in writing, the day before trial, in a format to be designated by the Court at the Final Pretrial Conference, in Microsoft Word 2010 (.doc) format (or higher) by email to [Willett\\_Chambers@azd.uscourts.gov](mailto:Willett_Chambers@azd.uscourts.gov).

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

**G. DEPOSITIONS TO BE OFFERED**

The parties shall list the depositions that may be used at trial. The portions to be read or submitted at trial shall be identified by date, page, and line number. Additionally, the party offering the deposition shall provide the Court with a copy of the offered deposition testimony. The offering party shall highlight, in color, the portions of the deposition to be offered. If multiple parties are offering the same deposition, only one copy of such deposition shall be provided. Such copy shall contain each party's highlighting. Each party should use a different color. Please provide a color chart for the Court's reference.

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

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

1 **H. LIST OF PENDING MOTIONS**

2 List all pending motions.

3 **I. PROCEDURES FOR EXPEDITING TRIAL**

4 The parties shall discuss and report on all available procedures that might be used  
5 to expedite trial, including but not limited to (a) presenting stipulated summaries of  
6 deposition testimony rather than reading deposition excerpts; (b) editing videotaped  
7 depositions to limit the amount of time required for presentation; (c) using summary  
8 exhibits in place of voluminous documentary evidence; (d) stipulations on authenticity  
9 and foundation; (e) presenting direct expert testimony through summary or written  
10 reports; (f) using the courtroom technology to expedite the presentation of evidence. The  
11 parties are invited to contact Marion Holmes, Judge Willett's Courtroom Clerk, to  
12 arrange a time to visit the courtroom and examine its technology. Information about  
13 courtroom technology can also be found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges'  
14 Information/Courtroom Technology.

15 **J. ESTIMATED LENGTH OF TRIAL**

16 \_\_\_\_\_ hours for opening statements and closing arguments

17 \_\_\_\_\_ hours for Plaintiff(s) case, including cross-examination of other parties'  
18 witnesses

19 \_\_\_\_\_ hours for Defendant(s) case, including cross-examination of other parties'  
20 witnesses

21 \_\_\_\_\_ hours for Plaintiff(s) rebuttal

22 \_\_\_\_\_ TOTAL ESTIMATED TIME

23  
24 **K. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**  
25 **BENCH TRIALS**

26 Proposed Findings of Fact and Conclusions of Law shall be lodged by each party  
27 as a separate pleading. They also shall be submitted in Microsoft Word 2010 (.doc)  
28 format.

1 (or higher) by email to Willett\_Chambers@azd.uscourts.gov. The parties shall include the  
2 following text in this section of the Proposed Final Pretrial Order: "The separately lodged  
3 Proposed Findings of Fact and Conclusions of Law are incorporated by reference into this  
4 joint Proposed Final Pretrial Order."

5 **L. CERTIFICATIONS**

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

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

22 **M. INFORMATION FOR COURT REPORTER**

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

- 26 1. Proper names, including those of witnesses.

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- 2. Acronyms.
- 3. Geographic locations.
- 4. Technical (including medical) terms, names, or jargon.
- 5. Case names and citations.

Please also send (or transmit electronically) to the court reporter a copy of the concordance from key depositions.

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Attorney for Plaintiff(s)

Attorney for Defendant(s)

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Based on the foregoing,

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

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

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Eileen S. Willett  
United States Magistrate Judge