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

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| <p style="text-align: center;">Plaintiff(s),</p> |) | CV-----PHX-JAT |
| v. |) | ORDER SETTING FINAL PRETRIAL CONFERENCE |
| <p style="text-align: center;">Defendant(s).</p> |) | |

IT IS ORDERED setting a Final Pretrial Conference in this case for _____

IT IS FURTHER ORDERED that the attorneys (or pro se parties) who will be responsible for the trial of the case shall attend the Final Pretrial Conference (to be held at 401 W. Washington Street, Phoenix, Arizona, Courtroom 503).

IT IS FURTHER ORDERED that the attorneys (or pro se parties) who will be responsible for the trial of the case shall:

(1) Prepare and sign a **joint Proposed Final Pretrial Order** and lodge it with the Court (by electronically filing a notice of lodging with the **joint Proposed Final Pretrial Order** attached) by _____.

(2) In addition to lodging a copy of the **joint Proposed Final Pretrial Order**, the parties shall also submit a copy of the **joint Proposed Final Pretrial Order** in a WordPerfect® 9.0 compatible format to the chambers' e-mail address.¹

¹ Teilborg_chambers@azd.uscourts.gov

1 (3) Finally, the parties shall also submit a paper copy of the **joint Proposed Final Pretrial**
2 **Order** to chambers within 5 days of filing (as indicated below, all paper copies shall be three-
3 hole punched on the left side of the document).

4 **IT IS FURTHER ORDERED** that the content of the **joint Proposed Final Pretrial**
5 **Order** shall include, but not be limited to, the content prescribed in the **Proposed Final**
6 **Pretrial Form of Order** attached hereto.

7 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure
8 37(c), the Court will not allow the parties to offer an exhibit, a witness, or other information
9 that was not: (1) disclosed in accordance with the provisions of this Order; (2) disclosed in
10 accordance with the provisions of the Federal Rules of Civil Procedure; **and** (3) listed in the
11 **joint Proposed Final Pretrial Order**; unless the offering party can show good cause as to why
12 such party failed to comply with these requirements.

13 **IT IS FURTHER ORDERED** that the parties shall exchange drafts of the **joint**
14 **Proposed Final Pretrial Order** **no later than fourteen (14) days before the submission**
15 **deadline.**

16 **IT IS FURTHER ORDERED** that:

17 (1) the parties shall number exhibits as provided in Attachment #2 (“Exhibits - Marking,
18 Listing and Custody”), and such numbers shall correspond to the numbers of exhibits listed
19 in the **joint Proposed Final Pretrial Order**;

20 (2) **no later than fourteen (14) days before the submission deadline for the joint**
21 **Proposed Final Pretrial Order**, the parties shall meet in person and exchange marked
22 copies of all exhibits to be used at trial; any exhibit not marked and exchanged at this
23 meeting shall be precluded at trial;²

24 (3) while meeting to exchange exhibits, the parties shall eliminate any duplicate exhibits; and
25

26 ² If there is any dispute as to the location of this meeting, it shall occur in this Court’s
27 jury room.
28

1 (4) the marked exhibits shall thereafter remain unaltered until further order of the Court.³

2 **IT IS FURTHER ORDERED** that, if this case shall be tried to a jury, the parties
3 shall file and serve all motions in limine (not to exceed five pages each) no later than
4 _____. Each motion in limine shall include the legal basis supporting it.
5 Responses to motions in limine (not to exceed five pages each) are due _____.
6 **No replies will be permitted.** The attorneys for all parties (or any pro se parties) shall come
7 to the Final Pretrial Conference prepared to address the merits of all such motions.

8 **IT IS FURTHER ORDERED** that, if this case shall be tried to a jury, the parties
9 shall complete the following tasks by the time of the lodging of the **joint** Proposed Final
10 Pretrial Order:

11 (1) The parties shall file in a separate pleading a **stipulated-to** description of the case
12 to be read to the jury;

13 (2) For purposes of voir dire, the parties shall provide a **joint** master list of the name
14 of every witness who may be called at trial;

15 (3) The parties shall file in a **joint separate** pleading a proposed set of voir dire
16 questions. The voir dire questions shall be drafted in a neutral manner. To the extent
17 possible, the parties shall **stipulate to** the proposed voir dire questions. If the parties have
18 any disagreement about a particular question, the party or parties objecting shall state the
19 reason for their objection below the question.

20 (4) The parties shall file in a **joint separate** pleading a proposed set of jury
21 instructions.⁴

22 (5) Each party shall file in a **separate** pleading a form of verdict to be given to the
23 jury at the end of the trial.

24 _____
25 ³ The exhibits do not need to be delivered to court at the final pretrial conference.
26 They should be marked and given to the courtroom deputy by the morning trial begins.

27 ⁴ See Attachment #1

1 **IT IS FURTHER ORDERED** that, if the case will be tried to a jury, in addition to
2 filing with the Clerk of the Court, the parties shall also submit their **joint** proposed voir dire
3 questions, **stipulated-to** statement of the case, **joint** proposed jury instructions, and **separate**
4 forms of verdict in a WordPerfect® 9.0 compatible format to the chambers' e-mail address.

5 **IT IS FURTHER ORDERED** that, if the case will be tried to the Court, each party
6 shall file, in addition to the **joint** Proposed Final Pretrial Order, proposed findings of fact and
7 conclusions of law, by the same date the **joint** Proposed Final Pretrial Order is due. These
8 proposed findings of fact and conclusions of law shall also be submitted in both written copy
9 and in a WordPerfect® 9.0 compatible format to the chambers' e-mail address.

10 **IT IS FURTHER ORDERED** that the parties shall keep the Court informed of the
11 possibility of settlement and, should settlement be reached, the parties shall promptly present
12 a Stipulation and Order of Dismissal for signature by the undersigned. Mere Notice of
13 Settlement or notification by phone or e-mail of settlement shall not suffice to vacate the trial
14 date, nor excuse the parties from being ready and able to proceed with trial at the time and
15 on the date set for trial.

16 **IT IS FURTHER ORDERED** that within five days of filing each of the documents
17 required above, the filing party shall provide a paper copy of the document to chambers; the
18 Court's paper copy of every document required above shall be **three-hole punched** on the
19 left side of the document.

20 **IT IS FURTHER ORDERED** that this Court views compliance with the provisions
21 of this Order as critical to its case management responsibilities and the responsibilities of the
22 parties under Rule 1 of the Federal Rules of Civil Procedure.

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ATTACHMENT #1

The parties shall submit a joint list of proposed jury instructions. The list shall contain the following sections:

- I. Section I - Preliminary Instructions (before opening statements). The parties shall list their preliminary instructions in the order in which they propose that such instructions will be read to the jury. At the top of each instruction, the parties should indicate whether the instruction is stipulated-to or disputed.

If the instruction is disputed, the party proposing the instruction shall include citation to authority to support the requested instruction. The party opposing the instruction shall state all objections to such instruction immediately following the instruction and the opposing party's authority for such objection. If the opposing party offers an alternative instruction, such alternative instruction shall immediately follow the opposing party's objection.

- II. Section II. Mid-Trial Instructions (limiting instructions etc.). The parties shall list all limiting instructions that they propose should be read during the trial. At the top of each instruction, the parties should indicate whether the instruction is stipulated-to or disputed. If the instruction is disputed, the party proposing the instruction shall include citation to authority to support the requested instruction. The party opposing the instruction shall state all objections to such instruction immediately following the instruction and the opposing party's authority for such objection. If the opposing party offers an alternative instruction, such alternative instruction shall immediately follow the opposing party's objection.

NOTE: During trial it will be the proposing party's responsibility to advise the Court when the party believes the case has reached a point when a mid-trial instruction should be read.

- III. Section III. Final Instructions (after closing arguments). The parties shall list their final instructions in the order in which they propose that such instructions will be read to the jury. At the top of each instruction, the parties should indicate whether the instruction is stipulated-to or disputed. If either party seeks to have any preliminary instruction or mid-trial instruction repeated as part of the final instructions, such party should restate that instruction in this Section III.

If the instruction is disputed, the party proposing the instruction shall include citation to authority to support the requested instruction. The party opposing the instruction shall state all objections to such instruction immediately following the instruction and the opposing party's authority for such objection. If the opposing party offers an alternative instruction, such alternative instruction shall immediately follow the opposing party's objection. Thus, only one instruction on any topic may be submitted, even if such submission is in alternate forms. The opposing party may NOT submit a new instruction on the topic rather than offer an alternative instruction to the proposing party's

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instruction.⁵

- The parties shall include the full text of all instructions - including model and standardized instructions.
- Each proposed instruction shall begin on a new page.
- The parties should note that absent a showing of good cause, the failure to (1) submit a proposed instruction, (2) follow these directions, or (3) make an objection in the format set forth herein by the deadline set forth herein shall result in the instruction being refused or the objection being deemed waived.

⁵ If the parties cannot agree who should be the proposing party, the default proposing party will always be Plaintiff.

1 ATTACHMENT #2

2 **EXHIBITS - MARKING, LISTING AND CUSTODY**

3 for United States District Court Judge
4 **James A. Teilborg** (Judge Code 7025)

(revised 11/3/06)

5 **Marking and listing of exhibits is the responsibility of counsel, not the courtroom**
6 **deputy, and shall be delivered to the courtroom deputy the day of trial or the day**
7 **before trial (not the final pretrial conference) unless otherwise directed by the deputy**
8 **clerk.**

9 Counsel are required to use the exhibit cover sheets and/or adhesive labels as described
10 herein. **Counsel shall also prepare the exhibit and witness lists (using the Clerk's**
11 **Office format) and provide the lists to the courtroom deputy in triplicate (1 original**
12 **and 2 copies), along with the actual exhibits.**

13 During trial/hearing, please be prepared to advise the courtroom deputy **in advance**
14 which exhibits will be needed for each witness.

15 If you need a format in which to prepare the exhibit and witness lists, please refer to the
16 district court's website at www.azd.uscourts.gov and access "Judicial Officer
17 Information."

18 **Counsel are to E-MAIL at least one day prior to trial/hearing a list of medical and**
19 **technical terms and terms specific to the case to david_german@azd.uscourts.gov**
20 **(in Word format) or FAX to chambers at 602-322-7569, Attention: David German.**

21 **USE OF LABELS/COVER SHEET**

- 22 1. Exhibit cover sheets and labels are divided by color to indicate whether the
23 exhibit is offered by plaintiff (**YELLOW**) or defendant (**BLUE**).
- 24 2. Exhibit cover sheets are provided to counsel by the courtroom deputy for the
25 purpose of numbering and labeling exhibits PRIOR to trial. Cover sheets shall
26 be copied on yellow or blue paper and used in cover sheet fashion to identify
27 standard-size paper exhibits. The cover sheet shall be stapled to the top of the
28 original exhibit, and the exhibit shall be placed in a manilla folder number to
correspond with the exhibit number. Prepare extra cover sheets and provide
extra manilla folders to use for exhibits marked during trial.
3. If the paper exhibit is too large to staple, use a 2-hole ACCO fastener to fasten
the exhibit together at the top of the page, with an exhibit cover sheet attached
to the front of the exhibit.
4. If the exhibit is a photograph or item smaller than 8" x 10", STAPLE it to an
exhibit cover sheet OR place an exhibit label on the reverse side, lower right-
hand corner.
5. Large or bulky items may require the use of tie tags with the exhibit label placed
on the tag or may be marked in a logical location on the item or on the plastic
bag containing the item.
6. Large charts should be identified in the lower right-hand corner with an exhibit

1 label. If the item is an enlargement of another marked exhibit, it should be
2 numbered as a sub-part of the smaller exhibit.

3 NUMBERING

- 4 1. Blocks of numbers are assigned to each side: plaintiff starts with number 1
5 through the estimated number of exhibits. Defendant is to utilize numbers
6 starting after plaintiff but allowing space for additional exhibits marked during
7 trial. (Example: Plaintiff 1 - 80; Defendant 100-). Exhibit numbers not used
8 will be noted by the clerk on the exhibit list. **Failure to comply with this
9 directive will result in exhibits being remarked by counsel.**
- 10 2. Plaintiff and defendant shall consult with one another prior to marking exhibits
11 to **avoid marking duplicates**. If plaintiff marks a document, the defendant
12 should not mark the same document. The exhibits are considered court exhibits,
13 not plaintiff and defendant. Either side may move the other's exhibits into
14 evidence.
- 15 3. Use NUMBERS ONLY except when identifying sub-parts (e.g. 3a, 3b, 3c). If
16 the sub-parts will be more than a through z for a single exhibit, do not use
17 double letters; instead commence with another number (e.g. 3x, 3y, 3z, 4a, 4b,
18 4c, etc. or 3-1, 3-2, 3-3, etc.). It is very difficult for the court, counsel/parties,
19 clerk and court reporter to ask for or listen to exhibits 1aa - 1eeee.
20 Categorizing exhibits should be kept as simple and clear as possible. For the
21 most part, USE NUMBERS.
- 22 4. Multiple page exhibits should be stapled or ACCO fastened; please do not use
23 paper or binder clips or rubber bands. **If submitted in this fashion, exhibits
24 will be returned to counsel to be re-submitted stapled or with ACCO
25 fasteners.** Regarding bulky documents, BATES stamp numbers may be placed
26 on each page and can be continuously numbered for easy reference.
- 27 5. Blocks of numbers may be used to categorize exhibits (e.g. series 1-99 are bank
28 records; series 100-199 are tax returns; series 200-299 are photographs; etc.)

18 USE OF FOLDERS

- 19 1. Place exhibits loose in folders so that the exhibits may be pulled out of the
20 folder during trial. **DO NOT** attach the exhibit to the file folder. Label the top
21 of the folder to identify the exhibit. Provide extra folders to the courtroom
22 deputy for exhibits marked during trial.
- 23 2. Place the exhibit folders in a box in numerical order. Mark the outside of the
24 box as to what exhibits are contained therein. Leave room in the box for any
25 extra exhibits that may be submitted during trial.
- 26 3. **DO NOT** place trial exhibits in binders except when the binder is considered
27 ONE exhibit. Mark the binder with an exhibit label in the lower right-hand
28 corner.
4. **A courtesy copy of the exhibits should be prepared for the Judge.** Place
these exhibits in three-ring binders with numbered tabs to correspond with
exhibit numbers. The Judge's copies should NOT have original exhibit covers
sheets on them.

1 EXHIBIT LISTS

- 2 1. Exhibits may be listed on the exhibit list provided or the exhibit worksheet
3 reproduced on a word processor (Word Perfect 9.0 compatible) using the same
4 format. The form is self-explanatory. Be sure and leave enough SPACE to add
5 additional information, such as sub-parts and additional exhibits.
- 6 2. Provide the courtroom deputy clerk with the original and two (2) copies of the
7 exhibit list the morning of trial or as otherwise directed. **Counsel are not to**
8 **provide the courtroom deputy with the Pretrial Order (civil cases) in lieu of**
9 **the exhibit list.**

10 WITNESS LISTS

- 11 1. Witnesses may be listed on the witness list provided or the witness list reproduced
12 on a word processor (Word Perfect 9.0 compatible) using the same format.
13 Provide the full name of each witness and list them in alphabetical order. Names
14 should be at the top of the block and extra spaces provided at the end of the list.
15 This is helpful when names have to be added that are not on the list. **Counsel are**
16 **not to provide the courtroom deputy with the Pretrial Order (civil cases) in**
17 **lieu of the witness list.**
- 18 2. Provide the courtroom deputy with the original and two (2) copies of the witness
19 list the morning of trial or as otherwise directed.

20 SENSITIVE EXHIBITS

- 21 1. The courtroom deputy clerk will NOT take custody of any sensitive exhibits.
22 During lengthy breaks and at close of the day, these exhibits are returned to the
23 government (usually the agent) until court resumes. Pursuant to General Order
24 160 dated July 30, 1987,
25
26 “the arresting or investigative agency or designated
27 representative shall retain custody of sensitive exhibits prior to,
28 throughout, and after the trial. Sensitive exhibits shall include
drugs and drug paraphernalia, guns and other weapons, money
and any other exhibits designated as sensitive by the court.”

29 IMPEACHMENT EXHIBITS

- 30 1. Impeachment exhibits are given to the courtroom deputy **the first day of trial,**
31 (unless other arrangements are made) in a SEALED envelope. The envelope
32 should be marked with the caption of the case, case number and shall identify
33 the party presenting the exhibit. If there is more than one exhibit in the
34 envelope, mark each one with a SEPARATE NUMBER so you (and the clerk)
35 will be able to identify it. Identify these exhibits with a numbering system of
36 your own for easy retrieval. Prepare an impeachment exhibit list for the
37 courtroom deputy (on the accepted format) and a courtesy copy for the Court.
38 The courtroom deputy will assign the next available number when the exhibit is
used during trial.
- 39 2. Provide an extra copy of impeachment exhibits in a sealed envelope as a
40 courtesy copy for the Court with accompanying exhibit list.

41 STIPULATED EXHIBITS

- 42 1. In civil trials, parties may agree on most of the exhibits prior to trial and as
43 listed in the Pretrial Order. Counsel may give the courtroom deputy clerk a list

1 of the stipulated exhibits to be marked in evidence before moving for their
2 admission on the record. For example, stipulated exhibits 1-28, 31, 45-50, etc.
3 The clerk will then mark those exhibits and the exhibit list as ‘admitted into
4 evidence.’”

5 In criminal trials, stipulated exhibits usually come in one at a time during the
6 course of trial.

7 DEPOSITIONS

- 8 1. Depositions ARE NOT to be marked as exhibits. Identify them by party (so
9 they can be returned to the correct party after trial), place them in alphabetical
10 order and give them to the courtroom deputy the morning of trial.

11 MEDICAL OR TECHNICAL TERMS

- 12 1. Provide a list of medical or technical terms (in alphabetical order) for the court
13 reporter prior to trial commencing (please refer to page 1, paragraph 4).

14 RETURN OF EXHIBITS

- 15 1. Pursuant to Local Rule Civil 79.1(a), all exhibits are returned to respective
16 parties for them to keep custody pending all appeals. If the exhibits are not
17 picked up within thirty (30) days of the Notice of Return of Exhibits, Local Rule
18 79.1(c), the clerk may destroy or otherwise dispose of those exhibits.
- 19 2. Usually trial exhibits are handed immediately back to the respective counsel by
20 the courtroom deputy at the conclusion of trial. When the case is taken under
21 advisement and a verdict or court ruling issues at a later date, a separate order
22 will follow directing counsel to retrieve the exhibits from the courtroom deputy.

23 If you have any questions, or need additional exhibit labels, please do not hesitate to
24 call or e-mail me.

25 Teddy Bengtson
26 Courtroom Deputy Clerk for U.S. District Judge James A. Teilborg
27 602-322-7231
28 teddy_bengtson@azd.uscourts.gov

Sample exhibit and witness lists and exhibit tags are attached. On the exhibit
worksheet and witness lists modify forms to reflect the correct title (criminal or civil)
and the case number (CR or CV).

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF ARIZONA

3 CRIMINAL/CIVIL EXHIBIT LIST

4 Preliminary Injunction TRO Non-Jury Trial Jury
Trial

5 Case Number CR (CV) - - -JAT Judge Code 7025

6 Date _____

7 _____ vs. _____

8 Plaintiff/Petitioner Defendant/Respondent

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| 10 EXHIBIT NUMBER | MARKED FOR IDENTIFICATION | ADMITTED IN EVIDENCE | DESCRIPTION |
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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

CRIMINAL/CIVIL WITNESS LIST

Preliminary Injunction TRO Non-Jury Trial Jury Trial

Case Number CR (CV) - - -JAT Judge Code 7025

Date _____

_____ vs. _____

Plaintiff/Petitioner Defendant/Respondent

| NAME | SWORN | APPEARED |
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CASE NO. _____

VS. _____
PLAINTIFF'S EXHIBIT _____
DATE: _____
IDEN.
DATE: _____
EVID.
BY: _____
Deputy Clerk

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CASE NO. _____

VS. _____

DEFENDANT'S EXHIBIT _____

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IDEN.

DATE: _____

EVID.

BY: _____
Deputy Clerk

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

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|----|---------------|---|--|
| ❖, | |) | CV-❖-❖ PHX/PCT-JAT |
| | Plaintiff(s), |) | |
| | v. |) | [PROPOSED] FINAL PRETRIAL FORM OF ORDER |
| ❖, | |) | |
| | Defendant(s). |) | |

The following is the **joint** Final Pretrial Order considered at the Final Pretrial Conference on ❖ at ❖ .

A. COUNSEL FOR THE PARTIES

Include the mailing addresses, e-mail addresses, and office phone and fax numbers.

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) (is not) disputed. (If jurisdiction is

1 disputed, the party contesting jurisdiction shall set forth with specificity the bases for
2 the objection.)

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

4 [Statements shall not be in the form of a question, but shall be a concise narrative
5 statement of each party's contention as to each uncontested and contested issue.]

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

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

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

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

13 [Statements shall not be in the form of a question, but shall be a concise narrative
14 statement of each party's contention as to each uncontested and contested issue.]

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

18 Issue # 1: Whether Plaintiff used due care.

19 Plaintiff Contends: Plaintiff looked both ways before stepping into the street . . .

20 Defendant Contends: Plaintiff was chasing a ball and darted out into the street
21 without looking)

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

25 Issue # 1: Whether Plaintiff's suit is barred by the doctrine of laches.

26 Plaintiff Contends: . . .

1 Defendant Contends: . . .

2 (As to any issue of law, a party may file a short trial brief [not to exceed five
3 pages] on such issue contemporaneously with the filing of the Proposed Final Pretrial
4 Order.))

5 **E. LIST OF WITNESSES**

6 Each party shall **separately** list the names of witnesses, their respective
7 addresses, whether a fact or expert witness, and a brief statement as to the testimony of
8 each witness. The witnesses shall be grouped as follows:

- 9 (1) witnesses who shall be called at trial;
- 10 (2) witnesses who may be called at trial; and
- 11 (3) witnesses who are unlikely to be called at trial.

12 Additionally, the parties shall include the following text in this section of the Proposed
13 Final Pretrial Order: “Each party understands that it is responsible for ensuring that the
14 witnesses it wishes to call to testify are subpoenaed. Each party further understands that
15 any witness a party wishes to call shall be listed on that party’s list of witnesses above
16 and that party cannot rely on that witness having been listed or subpoenaed by another
17 party.”

18 **F. LIST OF EXHIBITS**

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

- 21 **a.** Plaintiff’s Exhibits:
- 22 **b.** Defendant’s Exhibits:

23 **2.** As to the following exhibits, the parties have reached the following
24 stipulations:

- 25 **a.** Plaintiff’s Exhibits:
- 26 **b.** Defendant’s Exhibits:

1 party offering the deposition shall provide the Court with a copy of the offered
2 deposition testimony. The offering party shall highlight, in color, the portions of the
3 deposition to be offered. If multiple parties are offering the same deposition, only one
4 copy of such deposition shall be provided. Such copy shall contain each party's
5 highlighting (each party should use a different color).⁶

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

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

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

14 **I. LIST OF PENDING MOTIONS**

15 (Other than the separately filed Motions in Limine.)

16 **J. ESTIMATED LENGTH OF TRIAL**

17 3 hours - Jury selection (if applicable)

18 ___ hours - Opening statements

19 ___ hours - Plaintiff's case (including rebuttal, if any)

20 ___ hours - Defendant's case

21 ___ hours - Closing arguments

22 ___ hours - Total.

23

24 ⁶ The marked depositions are due the morning of trial with the Judge's copy of the
25 exhibits.

26 ⁷ The deposition requirements do not apply to depositions that will be used solely for
27 impeachment purposes.

28

1 **K. PROPOSED TRIAL DATES**

2 _____

3 _____

4 [The parties shall propose at least two trial dates within 120 days of the final

5 pretrial conference. Because Monday is the Court's law and motion day, no proposed

6 start date should be a Monday, and the parties should not anticipate having trial on

7 Mondays.]

8 **L. JURY DEMAND**

9 State whether a jury trial has or has not been requested. If a jury trial was

10 requested, indicate the appropriate selection:

- 11 **1.** The parties stipulate that the request was timely and properly
- 12 made;
- 13 **2.** The (Plaintiff or Defendant) contends that the request was untimely
- 14 made because . . . (explain why request was untimely); or
- 15 **3.** The (Plaintiff or Defendant) contends that although the request for
- 16 trial by jury was timely, the request is otherwise improper as a matter of law because . . .
- 17 (indicate the legal basis for why a jury trial is improper).

18 **For a Bench Trial**

19 **M-1. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

20 Proposed Findings of Fact and Conclusions of Law shall be **filed** by each party as

21 a **separate** pleading in accordance with the instructions contained in the Order Setting

22 Final Pretrial Conference. The parties shall include the following text in this section of the

23 Proposed Final Pretrial Order: “The separately lodged Proposed Findings of Fact and

24 Conclusions of Law are incorporated by reference into this **joint** Proposed Final Pretrial

25 Order.”

26 **For a Jury Trial**

1 **APPROVED AS TO FORM AND CONTENT:**

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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 _____, 2013.

James A. Teilborg
United States District Judge