

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

		)	CV-____-_____ PHX-NVW
	Plaintiff(s),	)	
	v.	)	<b>PROPOSED FINAL PRETRIAL ORDER FOR JURY 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(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.)



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

10 **F. LIST OF EXHIBITS**

11 1. The following exhibits are admissible in evidence and may be marked in  
12 evidence by the Clerk:

13 a. Plaintiff's Exhibits:

14 b. Defendant's Exhibits:

15 2. As to the following exhibits, the parties have reached the following  
16 stipulations:

17 a. Plaintiff's Exhibits:

18 b. Defendant's Exhibits:

19 3. As to the following exhibits, the party against whom the exhibit is to be  
20 offered objects to the admission of the exhibit and offers the objection stated below:

21 a. Plaintiff's Exhibits: (E.g., City Hospital records of Plaintiff from  
22 March 6, 1985 through March 22, 1985. Defendant objects for lack of  
23 foundation because . . . (the objection must specify why there is a lack of  
24 foundation.))

25 b. Defendant's Exhibits: (E.g., Payroll records of Plaintiff's employer  
26 which evidence payment of Plaintiff's salary during hospitalization and  
27

1 recovery. Plaintiff objects on grounds of relevance and materiality because  
2 ... (the objection must specify why the exhibit is not relevant or material.)

3 If there are more than 20 exhibits, the parties shall submit their exhibit lists in  
4 writing, the day before trial, in a format to be designated by the Court at the Final Pretrial  
5 Conference, in Microsoft Word 2010 (.doc) format (or higher) either by email to  
6 Wake\_Chambers@azd.uscourts.gov or on an IBM-compatible computer disk.

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

10 **G. DEPOSITIONS TO BE OFFERED**

11 The parties shall list the depositions that may be used at trial. The portions to be  
12 read or submitted at trial shall be identified by page and line number. Additionally, the  
13 party offering the deposition shall provide the Court with a copy of the offered deposition  
14 testimony. The offering party shall highlight, in color, the portions of the deposition to be  
15 offered. If multiple parties are offering the same deposition, only one copy of such  
16 deposition shall be provided. Such copy shall contain each party's highlighting (each  
17 party should use a different color).

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

21 Additional parts of a deposition which a party requests under Fed.R.Civ.P. 32(a)(4)  
22 to be considered with the part introduced by an opposing party shall be identified by page  
23 and number line and shall be highlighted in the requesting party's color.

24 The parties shall include the following text in this section of the joint Proposed Final  
25 Pretrial Order: "Each party hereby acknowledges by signing this joint Proposed Final  
26 Pretrial Order that any deposition not listed as provided herein will not be allowed, absent  
27

1 good cause.”

2 **H. MOTIONS IN LIMINE**

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

5 **I. LIST OF PENDING MOTIONS**

6 List all pending motions.

7 **J. PROCEDURES FOR EXPEDITING TRIAL**

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

19 **K. 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 Plaintiff(s) rebuttal

26 \_\_\_\_ TOTAL ESTIMATED TIME

1 **L. JURY DEMAND**

2 If a jury trial has been requested, indicate the appropriate selection:

- 3 1. The parties stipulate that the request was timely and properly made;
- 4 2. The Plaintiff/Defendant contends that the request was untimely
- 5 made because . . . (explain why request was untimely); or
- 6 3. The Plaintiff/Defendant contends that although the request for trial
- 7 by jury was timely, the request is otherwise improper as a matter of law
- 8 because . . . (indicate the legal basis for why a jury trial is improper).

9 **M. JOINT STATEMENT OF THE CASE**

10 The parties shall file a joint statement of the case that will be read to the jury and

11 included in the jury questionnaire, if one is used.

12 **N. JOINT PROPOSED VOIR DIRE QUESTIONS**

13 The Court's proposed voir dire questions are located on the Court's website at

14 [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges' Orders, Forms & Procedures/Judge Wake.

15 Additional questions proposed by the parties shall be drafted in a neutral manner. Initial

16 questions on a subject should call for a "yes" or "no" response.

17 **O. JOINT PROPOSED JURY INSTRUCTIONS**

18 The proposed jury instructions shall be accompanied by citations to legal authority.

19 The instructions shall be in accordance with "*Guidelines for Jury Instructions in Civil*

20 *Cases*" found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges' Orders, Forms & Procedures/Judge

21 Wake.

22 **P. PROPOSED FORMS OF VERDICT**

23 The proposed forms of verdict shall include any proposed special verdict forms or

24 juror interrogatories.

25 **Q. DISAGREEMENTS ABOUT PROPOSED STATEMENTS, VOIR DIRE,**

26 **INSTRUCTIONS, OR FORMS OF VERDICT**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

1. Proper names, including those of witnesses.
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.

---

Attorney for Plaintiff(s)

---

Attorney for Defendant(s)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 \_\_\_\_\_, 201\_\_.

---

Neil V. Wake  
United States District Judge