

Sample Form 36

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

)	
)	
Plaintiff(s),)	CASE NO.:
)	
vs.)	CJRA TRACK:
)	
)	JUDGE:
)	
Defendant(s).)	

FINAL PRETRIAL ORDER

This matter is before the Court at a Final Pretrial Conference held pursuant to Rule 16 of the Federal Rules of Civil Procedure.

PLAINTIFF(S)' COUNSEL:

(Insert name, address, and telephone number)

DEFENDANT(S)' COUNSEL:

(Insert name, address, and telephone number)

I. NATURE OF THE CASE

The parties should prepare a brief statement of the nature of the case including the claims of the parties (personal injury, Federal Tort claim, breach of contract, etc.). The principal purpose of this statement is to assist the Court in explaining the case to prospective jurors upon selection of a jury.

II. JURISDICTION

A. This is an action for:
(State the remedy sought, such as damages, injunctive, or declaratory relief.)

B. The jurisdiction of the Court is not disputed (or is disputed).

- i. If not disputed, state the statutory, constitutional, or other basis of jurisdiction.
- ii. If disputed, the basis on which jurisdiction is contested.

III. UNCONTROVERTED FACTS

The following facts are not disputed or have been agreed to or stipulated to by the parties:

(This section should contain a comprehensive statement of facts which will become a part of the evidentiary record in the case and which, in jury trials, may be read to the jury.)

IV. AGREED TO ISSUES OF LAW

The parties agree that the following are the issues to be decided by the Court:

V. WITNESSES

- A. List of witnesses plaintiff expects to call, including experts.
 1. Expert witnesses.
 2. Non-expert witnesses.
- B. List of witnesses defendant expects to call, including experts:
 1. Expert witnesses.
 2. Non-expert witnesses.
- C. If there are any third parties to the action, they should include an identical list of witnesses as that contained in parts A and B above.
- D. Rebuttal Witnesses. Each of the parties may call such rebuttal witnesses as may be necessary, without prior notice thereof to the other party.

VI. EXHIBITS

The parties shall prepare and append to the Final Pretrial Order a Pretrial Exhibit Stipulation, which shall be on a separate schedule.

The Pretrial Exhibit Stipulation shall contain the style of the case, be entitled "Pretrial Exhibit Stipulation," shall contain each party's numbered list of trial exhibits, other than impeachment exhibits, with objections, if any, to each exhibit, including briefly the basis of the objection. All parties shall list their exhibits in numerical order. Where practicable, copies of all exhibits to which there is an objection will be submitted with the stipulation. The burden for timely submission of a complete list is on plaintiff. Each party is to submit a pre-marked copy of each exhibit for the Court's use at trial.

The list of exhibits shall be substantially in the following form:

PRETRIAL EXHIBIT STIPULATION

Plaintiff(s)' Exhibits

<u>Number</u>	<u>Description</u>	<u>Objection</u>	<u>If objection, state grounds</u>
---------------	--------------------	------------------	------------------------------------

Defendant(s)' Exhibits

<u>Number</u>	<u>Description</u>	<u>Objection</u>	<u>If objection, state grounds</u>
---------------	--------------------	------------------	------------------------------------

VII. DAMAGES

An itemized statement of all damages, including special damages.

VIII. BIFURCATED TRIAL

Indicate whether the parties desire a bifurcated trial and, if so, why.

IX. TRIAL BRIEFS

Trial briefs should be filed with the Court at the Final Pretrial Conference on any difficult factual or evidentiary issue and also set forth a party's theory of liability or defense.

X. LIMITATIONS, RESERVATIONS, AND OTHER MATTERS

A. **Trial Date.** Trial of this cause is set for the week of _____.

B. **Length of Trial.** The probable length of trial is ____ days. The case will be listed on the trial calendar to be tried when reached.

Mark Appropriate Box: JURY..... ____
NON-JURY.... ____

C. **Number of Jurors.** There shall be a minimum of six jurors.

D. **Jury Voir Dire.** The Court will conduct voir dire. Limited participation by counsel may be permitted. If voir dire questions are to be tendered, they should be submitted with the Final Pretrial Order.

- E. **Jury Instructions.** All jury instructions of all parties shall be submitted with a completed jury instruction order prepared in compliance with this Court's instructions no later than the first day of trial. An original and one copy of each instruction shall be submitted to the Court and duplicates shall be delivered to opposing counsel. The original of each proposed instruction shall be on 8½" x 11" plain white paper without any designation or number. The copy shall be numbered, identify the authority supporting the instruction and which party tenders it. Jury instructions should be produced in a word processing program and submitted on diskette or by electronic means as provided by the Court.

IT IS ORDERED that the Final Pretrial Order may be modified at the trial of the action, or prior thereto, to prevent manifest injustice or for good cause shown. Such modification may be made either on application of counsel for the parties or on motion of the Court.

DATED: _____

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

ATTORNEY FOR PLAINTIFF(S)

ATTORNEY FOR DEFENDANT(S)

NOTE: Where a third-party defendant is joined pursuant to Rule 14(a) of the Federal Rules of Civil Procedure, the Pretrial Order may be suitably modified. The initial page may be modified to reflect the joinder. List attorney's name, address, and telephone number.