



detail; an itemized statement of special damages should be included.

2. Defendant claims: set out a brief summary without detail.
3. All other parties' claims: same type of statement where third parties are involved.

B. Uncontroverted Facts;

Suggested language: **The following facts are established by admissions in the pleadings or by stipulation of counsel. (set out uncontroverted or uncontested facts.**

C. Issues of Fact and Law;

Suggested language:

1. Contested Issues of Fact: **The contested issues of fact remaining for decision are: (set out)**
2. Contested Issues of Law: **The contested issues of law in addition to those implicit in the foregoing issues of fact, are: (set out) OR: There are no special issues of law reserved other than those implicit in the foregoing issues of fact.**

D. Witnesses;

Suggested language:

1. **In the absence of reasonable notice to opposing counsel to the contrary, plaintiff will call, or will have available at the trial: (list witnesses) OR plaintiff will call (list witnesses)**
2. Same language in #1 suggested for defendant(s) OR defendant will call. (list witnesses)
3. Same language in #1 is suggested for Third Parties, if any.
4. In the event other witnesses are to be called at the trial, a statement of their names and addresses and the general subject matter of their testimony will be served upon opposing counsel and filed with the Court at least \_\_\_\_\_ days prior to trial.

Suggested language:

5. There is reserved to each of the parties the right to call to such rebuttal witnesses as may be

necessary, without prior notice thereof to the other party.

(NOTE: Only witnesses listed in the Pretrial Order will be permitted to testify at the trial, except witnesses called solely for the purpose of impeachment or for good cause shown.)

Expert Witnesses:

Parties are limited to the following number of expert witnesses, including treating physicians, whose names have been disclosed to the other side:

Plaintiff \_\_\_\_\_

Defendant \_\_\_\_\_

For expediency at the trial, counsel will prepare a resume of each expert's qualifications in accordance with Appendix A herein.

F. Exhibits:

Needless Court time is taken up in the marking of exhibits during trial. Accordingly, the exhibit list should be prepared prior to the trial and set forth in the pretrial order. Exhibit markers should be attached to all exhibits at the time they are shown to opposing counsel during the preparation of the pretrial order. A supply of exhibit stickers may be obtained from the Courtroom Deputy Clerk. They should be attached to the upper right-hand corner whenever possible.

Except for good cause shown, the Court will not permit the introduction of any exhibits unless they have been listed in the pretrial order, with the exception of exhibits to be used solely for the purpose of impeachment.

Plaintiff(s) shall mark their exhibits as Plaintiff's Exhibit 1, etc. Defendant(s) shall mark their exhibits as Defendant's Exhibit 1, etc.

The attached forms may be detached and used in the preparation of the pretrial order.

G. Depositions:

During the trial the reading of depositions frequently presents problems that can be eliminated by advance discussion and preparation. The pretrial order shall list depositions to be read into

evidence and any objections thereto identifying the objecting party, portions objected to, and grounds therefor. All irrelevant and redundant matter and all colloquy between counsel in the deposition must be eliminated when the deposition is read.

Suggested language: **testimony of the following witnesses will be offered by deposition/video tape (if none, so state).**

H. Discovery:

Except for good cause, all discovery shall be completed before the pretrial order is signed by the Court. If discovery has not been completed, the proposed pretrial order shall state what discovery is yet to be done by each side, when it is scheduled, when it will be completed and whether any problems such as objections or motions are likely with respect to the uncompleted discovery.

Suggested language; **discovery has been completed OR discovery is to be completed by (give date) OR further discovery is limited to ( specify ) OR the following provisions were made for discovery: (specify).**

I. Miscellaneous Orders:

1. Set forth any orders not properly includable elsewhere or
2. the foregoing stipulations and statements are amended at the final pretrial conference as follows: \_\_\_\_\_

V. **MODIFICATION**

This final pretrial order may be modified at the trial of this action, or prior thereto, to prevent manifest injustice. Such modification may be made by application of counsel or on motion of the Court.

VI. **JURY INSTRUCTIONS**

The parties shall confer in advance of the final pretrial conference and agree upon proposed jury instructions which shall be delivered to the Court seven (7) days before the trial date. If the parties are unable to agree on how the jury should be instructed as to any issue, they shall each submit their proposed instructions on any such issue(s). There is reserved to counsel the right to submit supplemental requests for instructions during the

trial or at the conclusion of the evidence on matters that cannot be reasonably anticipated. All proposed jury instructions shall be submitted in hard copy and on 3.5" diskettes in a format compatible with WordPerfect for Windows version 6.1 or later.

VII. **SETTLEMENT EFFORTS**

The parties have made a good faith effort to negotiate a settlement, OR \_\_\_\_\_.

VIII. **ADDITIONAL ACTION TAKEN**

\_\_\_\_\_  
GREGORY L. FROST  
United States District Judge

\_\_\_\_\_  
Counsel for Plaintiff

\_\_\_\_\_  
Counsel for Defendant

APPENDIX A

Qualifications of Expert Witness

The following is intended to qualify your witness as an expert. It will be read to the jury in the form given. The Court will reserve the right to remove extraneous or repetitious material.

Name \_\_\_\_\_

Address \_\_\_\_\_

Present Title \_\_\_\_\_

Duties \_\_\_\_\_

Education and Degrees \_\_\_\_\_

Teaching Experience \_\_\_\_\_

Job Experience \_\_\_\_\_

Associations and Societies \_\_\_\_\_

Publications \_\_\_\_\_

Honors \_\_\_\_\_

Other Pertinent Information \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



