

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Plaintiff(s),

v.

Case No. _____

Judge Michael H. Watson

Defendant(s)

FINAL PRETRIAL ORDER

The Final Pretrial Conference is scheduled on ____/____/____ at
_____ m., pursuant to Rule 16 of the Federal Rules of Civil Procedure.

I. Appearances:

A. For Plaintiff(s):

B. For Defendant(s):

C. For Third Party(ies), if any:

II. Nature of Action and Jurisdiction:

A. This is an action for:

B. The jurisdiction of the Court is invoked under Title

_____, United States Code, Section

_____.

C. The jurisdiction of the Court (is) (is not) disputed.

III. Trial Information:

A. The estimated length of trial is _____ days.

B. (Jury) (Bench Trial) is set for ____/____/____ at
____.m..

IV. Agreed Statements and Lists:

A. General Nature of the Claims of the Parties

1. Plaintiff Claims: set out a brief summary without detail and include an itemized statement of special damages
2. Defendant Claims: set out a brief summary without detail
3. All other Parties' Claims: set out a brief summary without detail, where third parties are involved

B. Uncontroverted Facts

"The following facts are established by admissions in the pleadings or by stipulations of counsel" (set forth uncontroverted or uncontested facts)

C. Issues of Fact and Law

1. Contested Issues of Fact: "The contested issues of fact remaining for determination are: (list)"
2. Contested Issues of Law: "The contested issues of law in addition to those implicit in the foregoing issues of fact are:" (list)

OR

"There are no special issues of law reserved other than those implicit in the foregoing issues of fact"

If the parties are unable to agree on what the contested issues of fact or law are, their respective contentions shall be set forth separately and clearly labeled.

D. Witnesses

1. "Plaintiff will call or will have available at trial:" (list)
2. "Defendant will call or will have available at trial:" (list)
3. Same language above is suggested for third parties, if any.
4. "The parties reserve the right to call rebuttal witnesses whose testimony could not reasonably be anticipated without prior notice to opposing counsel."
5. In the event other witnesses are to be called at 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 one day prior to trial.

NOTE:

- a. Only witnesses listed in the Final Pretrial Order will be permitted to testify at trial, except witnesses called solely for impeachment purposes, or for good cause shown.
- b. A brief synopsis of the witnesses' testimony must be given—i.e., "Will testify to pain and suffering," "Will testify to lost profits," etc.
- c. Leave to call additional witnesses may be granted by the Court in unusual situations. Counsel seeking such leave must file a Motion to Add Witnesses and serve a copy upon opposing counsel with names, addresses, and an offer of proof of such witness' testimony within twenty-four hours after the need to call such witness becomes known.

d. Witnesses need not be called in the order listed.

E. Expert Witnesses

The parties are limited to the following number of expert witnesses, including treating physicians, whose names have been disclosed and reports furnished to opposing counsel:

Plaintiff _____

Defendant _____

Third Party(ies) _____

“Counsel prepared a resume of each expert’s qualifications in accordance with Appendix A herein.”

F. Exhibits

Exhibits to be admitted without objection should be listed first, followed by a list of exhibits to which there may be objection, noting by whom the objection is made (only if there are multiple parties), the nature of the objection, and the authority supporting the objection.

Exhibit markers should be affixed to all exhibits at the time they are shown to opposing counsel during the preparation of the proposed Final Pretrial Statement. The exhibit stickers should be affixed to the upper right corner, whenever possible.

The proposed Final Pretrial Order should list the exhibits as follows:

Appendix B Joint Exhibits

Appendix C Plaintiff Exhibits

Appendix D Defendant Exhibits

Appendix E Third-party Exhibits

The attached forms may be detached and used.

The parties shall be familiar with and follow the Court’s standing orders regarding exhibits.

G. Depositions

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 matters and all colloquy between counsel contained in the deposition must be eliminated when the deposition is read.

“Testimony of the following witnesses will be offered by deposition” (indicate by written form or video tape) **OR** “No deposition testimony will be offered at trial.”

H. Discovery

Except for good cause shown, all discovery shall be completed before the Final Pretrial Order is signed by the Court. If discovery has not been completed, the proposed Final 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 objections or motions are likely with respect to the uncompleted discovery.

“Discovery has been completed.”

OR

“Discovery is to be completed by ____/____/____”

“The following provisions were made for discovery:” (specify)

I. Pending Motions

“The following motions are pending at this time:”

OR

“There are no pending motions at this time.”

J. Miscellaneous Orders

1. (Set forth any orders not properly included elsewhere)

OR

2. "The foregoing stipulations and statements were amended at the FPTC as follows:"

- V. **Modification:** This Final Pretrial Order may be modified at trial, 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 and Trial Briefs:** Counsel shall be familiar with and follow the Court's standing orders regarding jury instructions. Trial briefs are not permitted unless requested by the Court.
- VII. **Settlement Efforts:** (describe the extent and status of settlement negotiations)

- VIII. **Additional Action Taken:**

Counsel for Plaintiff

Counsel for Defendant

Counsel for _____

**APPENDIX A
QUALIFICATIONS OF EXPERT WITNESS**

Name:

Work Address:

Present Title:

Duties:

Education and Degrees:

Teaching Experience:

Job Experience:

Associations and Societies:

Publications:

Honors:

Other Pertinent Information:

