

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Plaintiff

v.

CIVIL ACTION:

Defendant

JOINT FINAL PRETRIAL ORDER

This matter is before the Court pursuant to Fed. R. Civ. P. 16.

I. APPEARANCES:

For Plaintiff(s):

For Defendant(s):

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 _____.

C. The jurisdiction of the Court is _____ disputed.

III TRIAL INFORMATION:

A. The estimated length of trial is _____ days.

B. Trial to Court/Jury will begin on _____.

IV. STATEMENT OF THE CASE:

Submit a concise statement of the case for the information of the Court and for use in the impanelment of the jury. Include names, dates, places and elements of the claims, counterclaims, third-party claims and affirmative defenses if any. Each party may submit a separate statement.

V. TRIAL DETERMINATIONS:

A. FACTS

1. Stipulated Facts:

Suggested Language:

The parties stipulate as to the following facts.
(List)

2. Disputed Facts:

Suggested Language:

The parties dispute the following facts.

- a. Plaintiff(s):
- b. Defendant(s):

B. APPLICABLE PROPOSITIONS OF LAW:

1. Agreed Applicable Propositions of Law:

Suggested Language:

The following applicable propositions of law are agreed to by the parties.
(List)

2. Disputed Applicable Propositions of Law:

Suggested Language:

The following applicable propositions of law are disputed by the parties.

a. Plaintiff(s):

b. Defendant(s):

C: Witnesses:

Suggested Language:

The parties have listed on the appropriate appendices those persons who will be called or who will be available to testify. (Proceed to comply with Section B of the Order Instructing Certain Pretrial and Trial Procedures).

The parties reserve the right to call without prior notice to opposing counsel rebuttal witnesses whose testimony could not reasonably be anticipated.

D: Expert Witnesses:

Suggested Language:

The parties propose to call the following number of expert witnesses, all of whom have been disclosed to the opposing side:

Plaintiff(s) _____

Defendant(s) _____

The curriculum vitae of the expert witnesses and a binding summary of their written reports are attached as Appendix _____.

The parties certify we have complied with Fed. R. Civ. P. 26 pertaining to expert testimony.

E. Exhibits:

The parties will offer as exhibits those items listed on appendices hereof prepared in accordance with Section C of the Order Instructing Certain Pretrial and Trial Procedures as follows:

- (1) Joint Exhibits: Appendix _____
(Roman Numerals)
- (2) Plaintiff Exhibits: Appendix _____
(Arabic Numerals)
- (3) Defendant Exhibits: Appendix _____
(Letters and/or numbers)
- (4) Third-Party Exhibits: Appendix _____
(Letters Prefixed by the Initial of the Party)

F. Depositions, Interrogatories and Admissions:

Suggested Language:

Evidence from the following witnesses will be presented by_____.

Proceed to comply with Section E of the Order Instructing Certain Pretrial and Trial Procedures.

(or)

No evidence will be presented by deposition, videotape, interrogatories or admissions.

G. Discovery:

Suggested Language:

Discovery has been completed.

The following provisions have been made for discovery.

H. **Pending Motions:**

Suggested Language:

The following Motions are pending at this time.

(or)

There are no pending Motions at this time.

IV. **SETTLEMENT EFFORTS:**

Suggested Language:

The parties have made a good faith effort to negotiate a settlement.

(or)

(Explain)

V. **TRIAL TO THE COURT:**

The parties will submit Findings of Fact and Conclusions of Law in accordance with Section H of the Order Instructing Certain Pretrial and Trial Procedures.

IT IS SO ORDERED.

Herman J. Weber, Senior Judge
United States District Court

Counsel for Plaintiff(s)

Counsel for Defendant(s)

(Rev.5/04)

