

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

_____,

Plaintiff,

-V-

**Case No.
JUDGE SARAH D. MORRISON
Magistrate Judge**

_____,

Defendants.

JOINT FINAL PRE-TRIAL STATEMENT

Pursuant to Fed. R. Civ. P. 16, the Court has scheduled a final pre-trial conference in this case for _____.

I. APPEARANCES:

For Plaintiff:

For Defendant:

II. NATURE OF ACTION

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. If disputed, briefly explain why.

III. TRIAL LENGTH: The estimated length of trial is ____ days, inclusive of voir dire.

IV. AGREED STATEMENTS AND LISTS:

A. General Nature of the Claims of the Parties

1. Plaintiffs' Claims: Set out brief summary without detail; an itemized statement of special damages should be included.

2. Defendants' Claims: Set out brief summary without detail; include any cross-claims and counter-claims.

B. Uncontroverted Facts

The following facts are established by admissions in the pleadings or by stipulations of counsel. Set out uncontroverted or uncontested facts in chronological order.

C. Contested Issues of Fact and Law

1. Contested Issues of Fact.

The contested issues of fact remaining for decision are . . . Set out a brief statement of the remaining contested issues of fact.

2. Contested Issues of Law.

The contested issues of law in addition to those implicit in the foregoing issues of fact, are . . . Set out a brief statement of the remaining contested issues of law.

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

D. Witnesses

1. In the absence of reasonable notice to opposing counsel to the contrary, plaintiff will call, or will have available at trial:

OR Plaintiff may call: Provide each witness's name, address, and (for witnesses testifying in their professional capacity) occupation and a brief synopsis of each witness's expected testimony.

2. In the absence of reasonable notice to opposing counsel to the contrary, defendant will call, or will have available at trial:

OR Defendant may call: Provide each witness's name, address, and (for witnesses testifying in their professional capacity) occupation and a brief synopsis of each witness's expected testimony.

3. For third parties: In the absence of reasonable notice to opposing counsel to the contrary, _____ will call, or will have available at trial:

OR _____ may call: Provide each witness's name, address, and (for witnesses testifying in their professional capacity) occupation and a brief synopsis of each witness's expected testimony.

4. 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 five (5) days prior to trial.

5. There is reserved to each of the parties the right to call such rebuttal witnesses as may be necessary, without prior notice to the other party. Questions frequently arise as to whether a witness will offer rebuttal testimony or is more appropriately designated as part of the case-in-chief. If questions arise as to the nature of a witness's testimony, the Court will err on the side of required disclosure five (5) days prior to trial of rebuttal witnesses. If no disclosure is made, the Court shall not permit such witness to testify.

Note: Only witnesses listed in the Joint Final Pre-trial Statement will be permitted to testify at trial, except witnesses called solely for the purpose of impeachment or for good cause shown.

E. Expert Witnesses

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

1. Plaintiff: List all expert witnesses plaintiff intends to call at trial and provide a short summary of each witness's expected testimony.
2. Defendant: List all expert witnesses defendant intends to call at trial and provide a short summary of each witness's expected testimony.

Counsel have attached a resume or curriculum vitae of each expert's qualifications as Exhibit A.

F. Exhibits

Needless Court time is taken up in the marking of exhibits during trial. Accordingly, the exhibit lists should be prepared prior to trial and set forth in the Joint Final Pre-trial Statement. The parties shall include separate exhibit lists for joint exhibits, plaintiff exhibits, defendant exhibits, and third-party exhibits. Exhibits should not be included on more than one list. For those exhibits to which there may be objections, note by whom the objection is made (if there are multiple adverse parties), the nature of the objection, and the authority supporting the objection.

Exhibit markers should be attached to all exhibits at the time they are shown to opposing counsel during the preparation of the Joint Final Pre-trial Statement. Exhibit numbers should be indicated on the lower right-hand corner whenever possible. See also the requirements of Fed. R. Civ. P. 26(a)(3)(C).

Except for good cause shown, the Court will not permit the introduction of any exhibits unless they have been listed in the Joint Final Pre-trial Statement, with the exception of exhibits to be used solely for the purpose of impeachment.

Exhibit lists should be attached to the Joint Final Pre-trial Statement as follows:

Exhibit B	Joint Exhibits
Exhibit C	Plaintiff Exhibits
Exhibit D	Defendant Exhibits
Exhibit E	Third-Party Exhibits

G. Remaining Issues & Matters

1. The following legal issues must be resolved before the trial begins:
2. A jury view is/is not being requested. If so, please provide the location, the reason for seeking the view and any objection(s) to the request.
3. Any additional matters the Court should be aware of:

V. COMPLIANCE WITH THE COURT'S ORDER SETTING TRIAL DATE AND FINAL PRE-TRIAL CONFERENCE

Counsel have complied with all aspects of the Court's Order Setting Trial Date and Final Pre-Trial Conference, including the stipulations section and, for a jury trial, the jury instructions section.

Failure to comport with the Court's pre-trial requirements may result in sanctions, including but not limited to contempt and dismissal.

Counsel for Plaintiff

Counsel for Defendant

