

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

Plaintiff,

v.

Case No.
Magistrate Judge King

Defendant.

FINAL PRETRIAL ORDER

This action came before the Court at a final pretrial conference held on _____ at _____ m., pursuant to Rule 16, Federal Rules of Civil Procedure.

I. APPEARANCES:

For Plaintiff:

For Defendant:

For Other Parties:

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. ____ Trial to _____ has been set for _____

____ A trial assignment will be made by the Court at a future date.

IV. **AGREED STATEMENTS AND LISTS:**

A. General Nature of the Claims of the Parties

1. Plaintiff Claims: (set out brief summary without detail; an itemized statement of special damages should be included.)
2. Defendant Claims: (set out brief summary without detail.)
3. Other parties' claims, if any: (set out brief summary without detail.)

B. Uncontroverted Facts

Suggested language: The following facts are established by admissions in the pleadings or by stipulations of counsel. (Set out uncontroverted or uncontested facts.)

C. Contested Issues of Fact and Law

Suggested language:

1. Contested Issue 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). Or: Plaintiff may call: (List).
2. In the absence of reasonable notice to opposing counsel to the contrary, defendant will call, or will have available at the trial, (List). Or: Defendant may call: (List).

3. In the absence of reasonable notice to opposing counsel to the contrary, _____ will call, or, _____ may call: (List). (Use 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.
5. There is reserved to each of the parties the right to call such rebuttal witnesses as may be necessary, without prior notice thereof to the other party.

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

E. Expert Witnesses

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

Plaintiff _____

Defendant _____

Other Parties _____

Counsel will prepare a résumé of each expert's qualifications in accordance with Appendix A herein.

F. Exhibits

The exhibit list must be prepared prior to trial and set forth in the pretrial order. Exhibits that are to be admitted without objection should be listed first, then followed by a listing of exhibits to which there may be objections, noting 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 final pretrial order. 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 exhibit not listed in the final pretrial order, with the exception of exhibits to be used solely for the purpose of impeachment.

Suggested forms for listing exhibits are found as appendices at the end of this outline.

The pretrial order should note exhibits as follows:

Appendix B Joint Exhibits
Appendix C Plaintiff Exhibits
Appendix D Defense Exhibits
Appendix E Third-Party Exhibits

G. Depositions

The pretrial order must list depositions to be read in 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 must 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 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 _____, or, Further discovery is limited to _____, 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 were 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

Requests for special instructions shall be submitted to the Court _____ days prior to trial. There is reserved to counsel the right to submit supplemental requests for instructions during trial, or at the conclusion of the evidence, on matters that cannot reasonably be anticipated.

VII. SETTLEMENT EFFORTS

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

VIII. ADDITIONAL ACTION TAKEN

Magistrate Judge Norah McCann King

Counsel for Plaintiff

Counsel for Defendant

Counsel for

APPENDIX A

Qualifications of Expert Witness

Name: _____

Address: _____

Present Title: _____

Duties: _____

Education and Degrees: _____

Teaching Experience: _____

Job Experience: _____

Associations and Societies: _____

Publications: _____

Honors: _____

Other Pertinent Information: _____
