

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

_____	:	
	:	NO. _____
Plaintiff(s),	:	
	:	
	:	
v.	:	Senior Judge S. Arthur Spiegel
	:	
	:	FINAL PRETRIAL ORDER ( <b>required</b> to
_____	:	be submitted at least five (5) business days
	:	prior to the Final Pretrial Conference)
Defendant(s).	:	

This action came before the Court at a final pretrial conference held on \_\_\_\_\_, 20\_\_, at \_\_\_ a.m./p.m., pursuant to Rule 16, Federal Rules of Civil Procedure.

I. APPEARANCES:

For Plaintiff:

For Defendant:

II. NATURE OF ACTION AND JURISDICTION:

A. This is an action for

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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 (the Court/a jury) has been set for \_\_\_\_\_, 20\_, pursuant to the General Order on Trial Assignment.

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. 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 stipulations of counsel:

*Set out uncontroverted or uncontested facts.*

C. Contested Issues of Fact and Law

**Suggested language:**

- 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

**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:

*Provide a brief individualized synopsis of each witness' testimony.*

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

*Provide a brief individualized synopsis of each witness' testimony.*

3. In the absence of reasonable notice to opposing counsel to the contrary, \_\_\_\_\_ will call:

*Provide a brief individualized synopsis of each witness' testimony. (Use for third parties, if any).*

4. 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 Pretrial Order or identified in accordance with paragraph 4 above will be permitted to testify at*

*the trial, except witnesses called solely for purpose of impeachment or for good cause shown.*

E. Expert Witnesses

**Suggested language:**

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

Plaintiff:

*List all expert witnesses plaintiff intends to call at trial.*

Defendant:

*List all expert witnesses defendant intends to call at trial.*

Counsel have attached a resume of each expert's qualifications as Appendix A hereto.

F. Exhibits

Exhibit lists should be attached as appendices hereto as follows:

Appendix A Joint Exhibits  
Appendix B Plaintiff Exhibits  
Appendix C Defendant Exhibits  
Appendix D Third-Party Exhibits

Exhibits must be deposited with the Court at least ten (10) days prior to trial. Exhibit markers may be obtained from Kevin Moser, Case Manager, and should be affixed to the upper right-hand corner.

G. Depositions

**Suggested language:**

Testimony of the following witnesses will be offered by deposition/videotape:

*List all witnesses whose testimony will be offered by deposition or videotape. If none, so state.*

Depositions must be filed by the time of the final pretrial conference, with the portion to be read noted therein. An opportunity will be given to opposing counsel to read any omitted portion. Counsel will be notified at trial of rulings on all objections.

H. Completion of Discovery

Except for good cause, all discovery shall be completed before the Final 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 \_\_\_\_, 20\_\_.

Or: Further discovery is limited to \_\_\_\_\_.

Or: The following provisions were made for discovery:

*Specify all such provisions.*

I. Pending Motions

*Specify all such motions. If there are none, so state.*

J. Miscellaneous Orders

*Set forth any orders not properly includable elsewhere.*

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

Jury instructions, including interrogatories, special verdict forms, and an index of the jury instructions shall be submitted by email to Kevin\_Moser@ohsd.uscourts.gov and filed in the Clerk's Office at least five (5) business days prior to the commencement of trial.

Each instruction should be on a separate page identified as "Plaintiff's (Defendant's) Requested Instruction No. \_\_\_." All instructions must contain a citation of authority (including the page number for the specific legal proposition for which you are citing the case) upon which counsel relies.

VII. TRIAL TO THE COURT

**Proposed Findings of Fact & Conclusions of Law:** At or before the final pretrial conference, the parties separately shall file those Findings of Fact and Conclusions of Law that each counsel believes the Court should make.

**IT IS SO ORDERED.**

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S. ARTHUR SPIEGEL  
Senior United States District Judge

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Counsel for Plaintiff

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Counsel for Defendant