

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

_____,
Plaintiff(s),

Case No. _____

vs.

_____,
Defendant(s).

FINAL PRETRIAL ORDER (REQUIRED FORM)

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

I. APPEARANCES:

For Plaintiff:

For Defendant:

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 (a jury) (the Court) has been set for _____ pursuant to the General Order on Trial Assignment.

IV. AGREED STATEMENTS AND LISTS:

A. General Nature of the Claims of the Parties

1. Plaintiffs' claims: (set out a brief summary without detail; an itemized statement of special damages should be included).
2. Defendants' claims: (set out a 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 stipulation of counsel: (set out uncontroverted or uncontested facts).

C. Issues of Fact and Law

Suggested language:

1. Contested Issues 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. Plaintiff will call or will have available at trial: (list witnesses).
2. Defendant will call or will have available at trial: (list witnesses).
3. Third parties, if any, will call or will have available at trial: (list witnesses).
4. The parties reserve the right to call rebuttal witnesses whose testimony could not be anticipated without prior notice to opposing counsel.
5. 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.

NOTE: Only witnesses listed in the Final Pretrial Order will be permitted to testify at the 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 of expert witnesses, including treating physicians, whose names have been disclosed to the other side:

Plaintiff _____

Defendant _____

For expediency at the trial, counsel will prepare a resume of each expert's qualifications in accordance with Appendix A herein.

F. Exhibits

The exhibit list should be prepared prior to the trial. Exhibits to be admitted without objection should be listed first, followed by a listing of exhibits to which there may be an objection, noting by whom the objection is made (if 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 Joint Final Pretrial Order.

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

The Proposed Joint 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 in the preparation of the pretrial order.

G. Depositions

The Proposed Joint Final Pretrial Order shall 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 matter and all colloquy between counsel in the deposition must be eliminated when the deposition is read. If none will be presented, indicate so.

Suggested language: Testimony of the following witnesses will be offered by deposition (indicate written form or video).

H. Discovery

Except for good cause, all discovery shall be completed before the Court signs the Final Pretrial Order. 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 (date) , **OR**, Further discovery is limited to (specify) , **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 are 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

The parties shall confer in advance of the final pretrial conference and agree upon proposed jury instructions which shall be delivered to the Court on or before the date set forth in the Court's Order Setting Trial Date. If the parties are unable to agree on how the jury should be instructed as to any issue, they shall each submit their proposed instructions on any such issue(s). There is reserved to counsel the right to submit supplemental requests for instructions during the trial or at the conclusion of the evidence on matters that cannot be reasonably anticipated.

VII. SETTLEMENT EFFORTS

(describe the extent and status of settlement negotiations) _____.

VIII. ADDITIONAL ACTION TAKEN

Elizabeth A. Preston Deavers
United States Magistrate Judge

Date: _____

Counsel for Plaintiff

Counsel for Defendant

APPENDIX A

Qualifications of Expert Witness

The following is intended to qualify your witness as an expert. It will be read to the jury in the form given. The Court will reserve the right to remove extraneous or repetitious material.

Name _____

Address _____

Present Title _____

Duties _____

Education and Degrees _____

Teaching Experience _____

Job Experience _____

Associations and Societies _____

Publications _____

Honors _____

Other Pertinent Information _____

APPENDIX B

Joint Exhibits of Plaintiff and Defendant

Number	Description	ID*	PROF*	AD*

*To be completed by Courtroom Deputy

- Appendix C** Plaintiff Exhibits
- Appendix D** Defendant Exhibits
- Appendix E** Third-Party Exhibits