FILED IN THE
UNITED STATES DISTRICT COURT
Western District of Washington

JAN 6 1972

CHARLES A. SCHAAF, Clerk
By_____, Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

In the Matter of the )
Local Rules for the ) GENERAL ORDER
Western District of Washington) No. 4-71

The Local Rules for the Western District of Washington are amended as follows:

Rule 26. Pretrial Conference

(a) Requirements

At least one pretrial conference, pursuant to Rule 16, Federal Rules of Civil Procedure, shall be held in every civil case unless the Court orders otherwise.

(b) Notice

The parties shall be given reasonable notice of the pretrial conference.

(c) Participants

The pretrial conference shall be attended by attorneys representing all parties, and where directed by the Court, by the attorneys who will actually try the case. The attorneys shall familiarize themselves with the pretrial rules and come to the conference with prior authority from their clients to enter into stipulations with reference to the facts and issues in the case and to accomplish the purposes of Rule 16, Federal Rules of Civil Procedure, to simplify the issues, expedite the trial and save expense to litigants.

(d) Conference of Attorneys

(1) Prior to the pretrial conference there shall be a conference of attorneys for the purpose of accomplishing

FPI-Sandstone
2-18-71-75M-6996

the requirements of this rule. It shall be the duty of counsel for the plaintiff to arrange for the conference and each attorney shall completely familiarize himself with all aspects of the case in advance of the conference and be prepared to enter into stipulations with reference to as many facts and issues and exhibits as possible, and to discuss the possibility of settlement.

(2) Unless otherwise ordered by the Court, all parties shall exhaust the discovery procedures provided for in Rules 26 through 37, Federal Rules of Civil Procedure, prior to the conference of attorneys.

(e) Preparation for Conference of Attorneys

Prior to the date set for the conference of attorneys, counsel for plaintiff shall serve upon counsel for defendant a brief statement as to --

(1) Federal jurisdiction;

(2) Relevant facts about which he asserts there is no dispute and which he is prepared to admit;

(3) Plaintiff's contentions with respect to disputed facts;

(4) Any issue of law or fact which he believes should be determined in advance of trial, together with points and authorities on each of these issues;

(5) Issues of law and fact to be litigated at the trial;

(6) A written list of the names and addresses of all witnesses (except rebuttal witnesses) who will be called by plaintiff;

(7) A list of all exhibits which will be offered by plaintiff at the time of trial.

Thereafter defense counsel shall serve upon plaintiff a brief statement as to --

(1) Objections, additions or changes which he believes



PPI-Sandstone
2-18-71-75M-6996

should be made to plaintiff's statement on federal jurisdiction and admitted facts;

(2) Facts which defendant for good and substantial reason is not prepared to admit but which he does not intend to contest;

(3) Objections as to the form of plaintiff's contentions with respect to disputed facts;

(4) Defendant's contentions of disputed facts;

(5) Objections, if any, to plaintiff's statement of issues of law and fact to be litigated at the trial and defendant's suggested changes;

(6) A written list of the names and addresses of all witnesses (except rebuttal witnesses) who will be called by defendant;

(7) A list of all exhibits which will be offered by defendant at the time of trial.

(f) Exhibits

At the conference of attorneys each party shall exhibit to the other all exhibits, other than those to be used for impeachment, intended to be offered at the trial.

(g) Purpose of Conference of Attorneys

The purpose of the conference of attorneys is to agree on the contents of the pretrial order in accordance with the form hereinafter set forth, but if acting in good faith they cannot do so, they shall prepare a form of pretrial order setting forth the matters upon which they are in agreement and each party shall present a memorandum setting forth their respective positions with respect to any differences.

(h) Service of Pretrial Order

The proposed form of pretrial order and the memoranda above referred to shall be served upon the judge before whom the case is pending six days, exclusive of Saturdays, Sundays



FPI-Sandstone
2-18-71-7521-6006

and holidays, prior to the day upon which the pretrial conference will be held.

(1) Pretrial Conference

At the pretrial conference the Court will consider:

(1) The sufficiency of the form of proposed pretrial order;

(2) The differences, if any, between the parties as set forth in the aforesaid memoranda, concerning issues of law or fact which should be determined in advance of trial;

(3) Motions and related matters the hearing of which had been deferred to the time of the pretrial conference;

(4) Any other matters which may be presented relative to parties, process, pleading or proof, with a view to simplifying the issues and bringing about a just, speedy and inexpensive determination of the case;

(5) In jury cases, whether the parties desire to stipulate that the jury shall consist of any number less than twelve or that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury;

(6) Requirements with respect to trial briefs;

(7) Requirements with respect to requests for instructions and suggested questions to be asked by the Court on voir dire in cases to be tried by jury;

(8) The number of expert witnesses to be permitted to testify on any one subject;

(9) The possibility of compromise settlement, but nothing with respect thereto shall be incorporated in the pretrial order and any discussion with respect to settlement shall be entirely without prejudice and may not be referred to during the trial of the case or in any arguments or motions.



PPI-Sandstone
2-18-71-25M-6996

(j) Additional Pretrial Conferences

If necessary or advisable, the Court may adjourn the pretrial conference from time to time or may order an additional pretrial conference.

(k) Continuance of Pretrial Conference

A pretrial conference shall be continued at the request of counsel only upon good cause shown.

(l) Complex, Multiple and Multidistrict Litigation Cases

In complex, multiple, or multidistrict litigation the Court, in the absence of a stipulation of all counsel to a suitable discovery procedure, may direct that pretrial be conducted in accordance with the procedures recommended in the Manual for Complex and Multidistrict Litigation (1970).

(m) Noncompliance

In order to accomplish effective pretrial and to avoid wasting the time of Court and counsel, the provisions of this rule will be strictly enforced. Sanctions and penalties for failure to comply are set forth in Rule 3.

(n) Form of Pretrial Order

(1) The following form of pretrial order shall be used, insofar as possible, in the trial of all cases except those involving land condemnation:

FPI-Sandstone
2-18-71-75M-6996

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT _____

| | | |
|---|---|---|
| _____ Plaintiff, | ) | |
| v. | ) | NO. _____ |
| _____ Defendant. | ) | PRETRIAL ORDER |

As the result of pretrial conference heretofore had, whereat the plaintiff was represented by _____, and the defendant by _____, their attorneys of record, the following issues of fact and law were framed and exhibits identified:

JURISDICTION

1. Jurisdiction is vested in this court by virtue of: (State the facts and cite the statutes whereby jurisdiction of the case is vested in this court.)

ADMITTED FACTS

2. The following facts are admitted by the parties: (Enumerate every agreed fact established by the pleadings or proposed by either party, irrespective of admissibility, but with notation of objections as to admissibility).

DISPUTED FACTS

3. The plaintiff contends as follows: (List 1, 2, 3, etc)

4. The defendant contends as follows: (List 1, 2, 3, etc)

ISSUES OF FACT

5. The following are the issues of fact to be determined by the (Court or jury) herein: (List 1, 2, 3, etc)

ISSUES OF LAW

6. The following are the issues of law to be determined by the Court: (List 1, 2, 3, etc., and state each issue of law involved. A simple statement of the ultimate



FPI-Sandstone
2-18-71-75M-6996

issue to be decided by the Court, such as "Is the plaintiff entitled to recover," will not be accepted.)

EXPERT WITNESSES

7. (a) Each party shall be limited to _____ expert witness(es) on the issue of _____.

(b) The name(s) and address(es) of the expert witness(es) to be used by each party at the trial and the issue upon which each will testify is:

(1) On behalf of plaintiff:

(2) On behalf of defendant:

(Indicate which witnesses will testify in person and by deposition.)

OTHER WITNESSES

8. The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

(a) On behalf of plaintiff:

(b) On behalf of defendant:

(Indicate which witnesses will testify in person and by deposition. Rebuttal witnesses, the necessity of whose testimony cannot reasonably be anticipated before trial, need not be named.)

EXHIBITS

9. (a) The exhibits listed below may be received in evidence without objection:

PLAINTIFF'S EXHIBITS

1. Photo of port side of ship. (Examples)

2. Photo of crane motor.

3. Photo of crane.

DEFENDANT'S EXHIBITS (Examples)

A-1. Weather report.

A-2. Log book.

A-3. X-ray of plaintiff's foot.

A-4. X-ray of wrist.

PPI-Sandstone
1-18-71-75M-6596

(b) The authenticity of the exhibits listed below is admitted. Admissibility is denied, however, for the reasons set forth in respect to each exhibit:

PLAINTIFF'S EXHIBITS.

4. Inventory report. (Examples)

Reason - Hearsay and not within the business record exception to hearsay rule.

DEFENDANT'S EXHIBITS

A-5. Photograph. (Examples)

Reason - Prejudicial.

(c) The authenticity of the exhibits listed below is denied. It is also contended that the exhibits are inadmissible for the additional reasons set forth in respect to each exhibit:

PLAINTIFF'S EXHIBITS

5. Accountant's report. (Examples)

Reason - Self serving

DEFENDANT'S EXHIBITS

A-6. Ship's log.

Reason - Not the original record, hence not the best evidence.

ACTION BY THE COURT

10. The Court has ruled that:

(a) Trial briefs shall be submitted to the Court on or before _____.

(b) Jury instructions requested by either party shall be submitted to the Court on or before _____.

(c) Suggested questions of either party to be asked of the jury by the Court on voir dire shall be submitted to the Court on or before _____.

(d) (Insert any other ruling made by the Court at or before pretrial hearing).



FPI-Sandstone
2-18-71-75M-6996

The foregoing pretrial order has been approved by the parties hereto, as evidenced by the signature of their counsel hereon, and this order is hereby entered, as a result of which the pleadings pass out of the case, and this pretrial order shall not be amended except by order of the Court pursuant to agreement of the parties or to prevent manifest injustice.

Dated this _____ day of _____, 19____.

_____
United States District Judge

FORM APPROVED:

_____
Attorney for Plaintiff

_____
Attorney for Defendant

(2) A form of pretrial order to be used in land condemnation cases may be obtained from the Clerk of the Court.



FPI-Gaddstone
2-18-71-75M-6996

Rule 38, effective August 30, 1971, is amended to read as follows:

Rule 38. Depositions

All depositions to be offered in evidence in cases to be tried to the court without a jury which contain in excess of 25 pages of testimony shall be abstracted by the party offering the deposition. The abstract shall be prepared in narrative form, contain deposition page references and it shall be served and filed as provided in Rule 5.

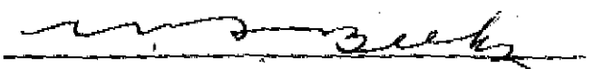
The Local Rules for the Western District of Washington are further amended by adoption of the following Magistrate Rule:

Rule 80. Commitment under Title III, Narcotic Addict Rehabilitation Act.

Every petition for commitment of a person as a narcotic addict under Title III of the Narcotic Addict Rehabilitation Act, 42 U.S.C. §§ 3411-3426, shall be referred to a United States Magistrate specially designated to handle additional duties under 28 U.S.C. § 636(b), unless no such Magistrate is readily available. The Magistrate shall record the proceedings. All orders made by the Magistrate in such proceedings shall become final unless a party seeks de novo review by a judge of this Court within seven calendar days thereafter.

The effective date of this order shall be December 27, 1971.

Dated at Seattle, Washington this 27th day of December, 1971.



Chief Judge, United States District Court

FPI-Sandstone
2-18-71-75M-6996