Hon. [name of judge]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT Choose a Courthouse.

|  |  |
| --- | --- |
| [Plaintiff], Plaintiff, v.[Defendant], Defendant. | CASE NO. [Case #]PRETRIAL ORDER |

JURISDICTION

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).

CLAIMS AND DEFENSES

The plaintiff will pursue at trial the following claims: (e.g., breach of contract, violation of 28 U.S.C. § 1983). The defendant will pursue the following affirmative defenses and/or claims: (e.g., accord and satisfaction, estoppel, waiver).

ADMITTED FACTS

The following facts are admitted by the parties: (Enumerate every agreed fact, irrespective of admissibility, but with notation of objections as to admissibility. List 1, 2, 3, etc.)

ISSUES OF LAW

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 issue to be decided by the court, such as “Is the plaintiff entitled to recover?” will not be accepted.) If the parties cannot agree on the issues of law, separate statements may be given in the pretrial order.

EXPERT WITNESSES

(a) Each party shall be limited to \_\_\_\_\_ expert witness(es) on the issues of \_\_\_\_\_\_\_.

(b) The name(s) and addresses 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.

OTHER WITNESSES

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: (E.g., Jane Doe, 10 Elm Street, Seattle, WA; will testify concerning formation of the parties’ contract, performance, breach and damage to plaintiff.)

(b) On behalf of defendant: (follow same format).

(As to each witness, expert or others, indicate “will testify,” or “possible witness only.” Also indicate which witnesses, if any, will testify by deposition. Rebuttal witnesses, the necessity of whose testimony cannot reasonably be anticipated before trial, need not be named.)

EXHIBITS

Identify each exhibit with a number, which becomes the number for the exhibit at the trial and appears on the exhibit tag with the following information in table format:

|  |
| --- |
| Plaintiff’s Exhibits |
| Ex. # | Description | Authenticity | Admissibility | Objection | Admitted |
| # | Photo of port side of ship | Stipulated | Disputed | 402; F |  |
| # | Photo of crane motor |  |  |  |  |
| # | Photo of crane |  |  |  |  |

|  |
| --- |
| Defendant’s Exhibits |
| Ex. # | Description | Authenticity | Admissibility | Objection | Admitted |
| # | X-ray of plaintiff’s foot | Stipulated | Stipulated |  |  |
| # | Weather Report | Stipulated | Disputed | 402 |  |
| # | Log book |  |  |  |  |

The Parties’ Objection Code:

|  |  |
| --- | --- |
| E | Exhibit is objectionable because it constitutes attempted expert testimony from a person who was not designated as an expert (Fed. R. Civ. P. 26) |
| F | Lack of foundation |
| MIL | Subject of Motion in Limine |

In the Authenticity and Admissibility columns, indicate “Stipulated” or “Disputed”. If “Disputed”, identify the objection in the Objection column. An objection based on a Fed. R. Evid. should reference the rule number; additional objections should be referenced by a code that the parties include with the exhibit list. The “Admitted” column is for use by the Court.

(No party is required to list any exhibit which is listed by another party, or any exhibit to be used for impeachment only. See LCR 16 for further explanation of numbering of exhibits).

ACTION BY THE COURT

(a) This case is scheduled for trial (before a jury) (without a jury) on \_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_\_\_\_.

(b) Trial briefs shall be submitted to the court on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(c) (Omit this subparagraph in non-jury case). Jury instructions requested by either party shall be submitted to the court on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. 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 conference.)

This order has been approved by the parties as evidenced by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order. This 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 [Pick the date].

Judge Name Here
United States District Judge/Magistrate Judge

FORM APPROVED

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney for Plaintiff

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney for Defendant