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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

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

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

12 (e) Preparation for Conference of Attorneys

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

16 (1) Federal jurisdiction;

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

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

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

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

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

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

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

32 (1) Objections, additions or changes which he believes

1 should be made to plaintiff's statement on federal juris-
2 diction and admitted facts;

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

6 (3) Objections as to the form of plaintiff's conten-
7 tions with respect to disputed facts;

8 (4) Defendant's contentions of disputed facts;

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

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

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

17 (f) Exhibits

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

21 (g) Purpose of Conference of Attorneys

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

29 (h) Service of Pretrial Order

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

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

3 (1) Pretrial Conference

4 At the pretrial conference the Court will consider:

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

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

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

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

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

21 (6) Requirements with respect to trial briefs;

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

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

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

1 (j) Additional Pretrial Conferences

2 If necessary or advisable, the Court may adjourn the
3 pretrial conference from time to time or may order an addition-
4 al pretrial conference.

5 (k) Continuance of Pretrial Conference

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

8 (l) Complex, Multiple and Multidistrict Litigation Cases

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

14 (m) Noncompliance

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

19 (n) Form of Pretrial Order

20 (1) The following form of pretrial order shall
21 be used, insofar as possible, in the trial of all cases
22 except those involving land condemnation:
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1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT _____

4 _____)
5 Plaintiff,)
6 v.) NO. _____)
7 _____) PRETRIAL ORDER)
8 Defendant.)
9)

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

15 JURISDICTION

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

19 ADMITTED FACTS

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

24 DISPUTED FACTS

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

27 ISSUES OF FACT

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

30 ISSUES OF LAW

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

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

3 EXPERT WITNESSES

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

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

9 (1) On behalf of plaintiff:

10 (2) On behalf of defendant:

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

13 OTHER WITNESSES

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

17 (a) On behalf of plaintiff:

18 (b) On behalf of defendant:

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

22 EXHIBITS

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

25 PLAINTIFF'S EXHIBITS

- 26 1. Photo of port side of ship. (Examples)
27 2. Photo of crane motor.
28 3. Photo of crane.

29 DEPENDANT'S EXHIBITS

(Examples)

- 30 A-1. Weather report.
31 A-2. Log book.
32 A-3. X-ray of plaintiff's foot.
A-4. X-ray of wrist.

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

4 PLAINTIFF'S EXHIBITS.

5 4. Inventory report. (Examples)

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

8 DEFENDANT'S EXHIBITS

9 A-5. Photograph. (Examples)

10 Reason - Prejudicial.

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

15 PLAINTIFF'S EXHIBITS

16 5. Accountant's report. (Examples)

17 Reason - Self serving

18 DEFENDANT'S EXHIBITS

19 A-6. Ship's log.

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

22 ACTION BY THE COURT

23 10. The Court has ruled that:

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

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

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

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

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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.

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

3 Rule 38. Depositions

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

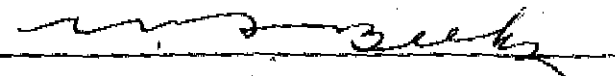
11 The Local Rules for the Western District of Washington
12 are further amended by adoption of the following Magistrate
13 Rule:

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

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

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

28 Dated at Seattle, Washington this 27th day of December,
29 1971.

30 
31 Chief Judge, United States District
32 Court