

GENERAL FORM OF PRETRIAL ORDER

**Counsel Submitting and Utah State Bar Number
Attorney for
Address
Telephone**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
_____ DIVISION**

*
* **Case Number**
*
*
* **PRETRIAL ORDER**

This matter having come before the court on _____, 20___, at a pretrial conference held before the Honorable _____, pursuant to Fed. R. Civ. P. 16; and _____, *name of attorney* having appeared as counsel for plaintiff, and _____, *name of attorney* having appeared as counsel for defendant, and _____, *name of attorney* having appeared as counsel for _____, the following action was taken:

1. JURISDICTION. This is an action for _____. Jurisdiction of the court is invoked under ____ U.S.C. section(s) _____. The jurisdiction of the court is not disputed and is hereby determined to be present.

VENUE. Venue was determined by the court to be proper pursuant to ____ U.S.C. section(s) _____. Venue is laid in the _____ Division of the District of Utah. *See 28 U.S.C. § 125.*

2. GENERAL NATURE OF THE CLAIMS OF THE PARTIES

- (a) **Plaintiff's claims:** *Briefly summarize.*
- (b) **Defendant's claims:** *Briefly summarize.*
- (c) **All other parties' claims:** *Briefly summarize where third parties are involved.*

3. UNCONTROVERTED FACTS. The following facts are established by admissions in the pleadings, by order pursuant to Fed. R. Civ. P. 56(d), or by stipulation of counsel: *Briefly set forth, including admitted jurisdictional facts and all other material facts that are not at issue.*

4. CONTESTED ISSUES OF FACT. The contested issues of fact remaining for decision are: *Briefly set forth each contested issue.*

5. CONTESTED ISSUES OF LAW. The contested issues of law, in addition to those implicit in the foregoing issues of fact, are: *Either set forth each issue or indicate that no special issues of law other than those implicit in the foregoing issues of fact were reserved.*

6. EXHIBITS. The following were received in evidence or were identified and offered: *List individually, indicating whether received or identified.*

- (a) **Plaintiff's exhibits:**
- (b) **Defendant's exhibits:**
- (c) **Exhibits of any third parties:**
- (d) **Exhibits received in evidence and placed in the custody of the clerk may be withdrawn from the clerk's office upon signing of receipts therefor by the respective parties offering them. The exhibits shall be returned to the clerk's office within a reasonable time and in the meantime shall be available for inspection at the request of other parties.**
- (e) **Exhibits identified and offered that remain in the custody of the party**

offering them shall be made available for review by the offering party to any other party to the action that requests access to them in writing.

(f) Except as otherwise indicated, the authenticity of received exhibits has been stipulated but they have been received subject to objections, if any, by an opposing party at the trial as to their relevancy and materiality. If other exhibits are to be offered, the necessity for which reasonably cannot now be anticipated, they will be submitted to opposing counsel at least _____ days prior to trial.

7. WITNESSES.

(a) In the absence of reasonable notice to opposing counsel to the contrary:

- (i) plaintiff will call as witnesses: *List individually.*
- (ii) plaintiff may call as witnesses: *List individually.*
- (iii) plaintiff will use the following depositions: *List each deposition, identified by date and name of witness.*

(b) In the absence of reasonable notice to opposing counsel to the contrary:

- (i) defendant will call as witnesses: *List individually.*
- (ii) defendant may call as witnesses: *List individually.*
- (iii) defendant will use the following depositions: *List each*

deposition, identified by date and name of witness.

(c) In the absence of reasonable notice to opposing counsel to the contrary: *Part (c) should be completed by the third party(ies), if any.*

- (i) _____ will call as witnesses: *List individually.*
- (ii) _____ may call as witnesses: *List individually.*
- (iii) _____ will use the following depositions: *List*

each deposition, identified by date and name of witness.

(d) In the event that witnesses other than those listed are to be called to testify at the trial, a statement of their names, 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. This restriction shall not apply to rebuttal witnesses whose testimony, where required, cannot reasonably be anticipated before the time of trial.

8. **REQUESTS FOR INSTRUCTIONS.** If the case is to be tried before a jury, requests for instructions to the jury and special requests for voir dire examination of the jury shall be submitted to the court pursuant to DUCivR 51-1. Counsel may supplement requested instructions during trial on matters that could not reasonably be anticipated prior to trial.

9. **AMENDMENTS TO PLEADINGS.** There were no requests to amend pleadings. *Or* The following order was made regarding amendments to the pleadings: *Set out.*

10. **DISCOVERY.** Discovery has been completed.

Or Discovery is to be completed by _____.

Or Further discovery is limited to _____.

Or The following provisions were made for discovery: *Briefly specify.*

11. **TRIAL SETTING.** *Complete either a. or b.*

a. The case was set for trial ____ with/ ____ without a jury on _____, 20__ at _____ o'clock __.m. at _____.
Indicate location as Salt Lake City or Ogden. See 28 U.S.C. §1404(b).

b. No definite setting was made, but it was estimated that the case will be set for trial no later than _____, 20__. Estimated length of trial is _____ days.

12. **POSSIBILITY OF SETTLEMENT.** Possibility of settlement is considered
___ good ___ fair ___ poor.

DATED: _____

BY THE COURT

UNITED STATES DISTRICT JUDGE

The foregoing proposed pretrial order (prior to execution by the court) is hereby adopted
this _____ day of _____, 20____.

Address: _____

Counsel for plaintiff

Address: _____

Counsel for defendant

Address: _____

(Counsel for other parties, if any)