Counsel Submitting and Utah State Bar Number

Attorney for

Address

Telephone

|  |  |
| --- | --- |
| THE UNITED STATES DISTRICT COURT  DISTRICT OF UTAH | |
| ,  Plaintiff(s),  vs.  ,  Defendant(s). | **JOINT TRIAL NOTICE**  Case No.  District Judge David Barlow |

1. CAUSES OF ACTION, ELEMENTS, AND AFFIRMATIVE DEFENSES.

(a) Plaintiff(s)’ claims: *Identify each cause of action proceeding to trial, and for each cause of action, an outline of the elements to be proven.*

(b) Cross- or counter- claims: *Any party with a cross- or counter- claim proceeding to trial must identify each claim and provide an outline of the elements to be proven.*

(c) Affirmative defenses: *Any party with an affirmative defense proceeding to trial must identify each defense and provide an outline of the elements for each.*

Note: All claims and affirmative defenses not addressed here are waived.

2. 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.*

3. CONTESTED ISSUES OF FACT. The contested issues of fact remaining for decision are: *Briefly set forth* *each contested fact pertaining to each element of the claims and defenses noted above.*

4. 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.*

5. EXHIBITS.

(a) Plaintiff's exhibits. *Each plaintiff should individually identify all exhibits it intends to offer as evidence at trial.*

(b) Defendant's exhibits. *Each defendant should individually identify all exhibits it intends to offer as evidence at trial.*

(c) Exhibits of any third parties. *All other parties should individually identify all exhibits they intend to offer as evidence at trial.*

6. WITNESSES.

(a) Plaintiff. *Part (a) should be completed by each plaintiff.*

(i) Plaintiff will call as witnesses: *List individually and provide a short statement as to the substance of that witness’s testimony.*

(ii) Plaintiff may call as witnesses: *List individually and provide a short statement as to the substance of that witness’s testimony.*

(iii) Plaintiff will offer sworn testimony from the following deposition or other proceeding: *List each deposition or proceeding by date, and identify the testimony by line and page number in the transcript.*

(b) Defendant. *Part (b) should be completed by each defendant*.

(i) Defendant will call as witnesses: *List individually and provide a short statement as to the substance of that witness’s testimony.*

(ii) Defendant may call as witnesses: *List individually and provide a short statement as to the substance of that witness’s testimony.*

(iii) Defendant’s counter-designations and objections to plaintiff(s)’ sworn testimony designations: *List each deposition or proceeding by date, and identify the testimony by line and page number in the transcript.*

(iv) Additionally, Defendant will offer sworn testimony from the following deposition or other proceeding: *List each deposition or proceeding by date, and identify the testimony by line and page number in the transcript.*

(c) Third parties: *Part (c) should be completed by the third party(ies), if any.*

(i) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will call as witnesses: *List individually and provide a short statement as to the substance of that witness’s testimony.*

(ii) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ may call as witnesses: *List individually and provide a short statement as to the substance of that witness’s testimony.*

(iii) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s counter-designations and objections to plaintiff(s)/defendant(s) sworn testimony designations. *List each deposition or proceeding by date, and identify the testimony by line and page number in the transcript.*

(iv) Additionally, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will offer sworn testimony from the following deposition or other proceeding: *List each deposition or proceeding by date, and identify the testimony by line and page number in the transcript.*

7. REPORT ON MEET AND CONFER EFFORTS. The parties met and conferred on the contents of this Trial Notice as follows: *List the dates and content of the parties’ meet and confer efforts. (E.g. 1/23/2020 Extensive telephone conference between all parties regarding elements of remaining causes of action, 1/25/2020 In person meeting between lead counsel to resolve numerous discrepancies in parties’ proposed Trial Notice.)*

Dated this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

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

Counsel for Plaintiff

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

Counsel for Defendant

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

Counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_