

(Rev. 4/3/03)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

PRETRIAL ORDER FORM

PLEASE REVIEW THE ATTACHED PRETRIAL ORDER FORMAT, ALONG WITH RULE 16 OF THE FEDERAL RULES OF CIVIL PROCEDURE, AND D. KAN. RULES 16.1 AND 16.2, AND FOLLOW ALL BRACKETED INSTRUCTIONS.

Before the pretrial conference, the parties must confer, draft, and timely submit to the court a proposed pretrial order in accordance with the scheduling order and D. Kan. Rule 16. The proposed pretrial order is to be a joint effort of all parties. The parties have an equal obligation to cooperate fully in drafting the pretrial order and to submit an agreed order that the judge can sign at the pretrial conference. It is essential that each party's factual contentions and legal theories be included. If the parties disagree on any particulars, they shall submit a single proposed order with bracketed notations revealing the nature of the disagreement in sufficient detail to enable the court to resolve the dispute at the conference. Submission of separate orders is not acceptable.

By the date set in the scheduling order, counsel for the defendant(s) shall submit the parties' proposed pretrial order (formatted in WordPerfect 9.0, or earlier version) as an attachment to an Internet e-mail sent to the e-mail address of the judge who will conduct the pretrial conference, as listed in paragraph II(E)(2)(c) of the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Civil Cases* ("administrative procedures guide"). The proposed pretrial order shall not be filed with the Clerk's Office. The proposed pretrial order shall be in the form attached to this cover memorandum. Counsel and all unrepresented parties shall affix their signatures according to the procedures governing multiple signatures set forth in paragraphs II(C)(2)(a) & (b) of the administrative procedures guide.

Do not precede the title of the proposed order with the words such as "Plaintiff's," "Defendant's" or "Proposed."

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

_____,)
)
Plaintiff,)
)
v.) Case No. _____
)
_____.)
)
Defendant.)

PRETRIAL ORDER

Pursuant to Fed. R. Civ. P. 16, a pretrial conference was held in this case on _____, 200_, before the Honorable _____, U.S. Magistrate [District] Judge.

This pretrial order shall supersede all pleadings and control the subsequent course of this case. It shall not be modified except by consent of the parties and the court's approval, or by order of the court on its own motion to prevent manifest injustice. *See* Fed. R. Civ. P. 16(e); D. Kan. Rule 16.2(c).

1. APPEARANCES.

The plaintiff, _____, appeared at the pretrial conference through counsel, _____. The defendant, _____, appeared through counsel, _____.

[List appearances for each party and attorney.]

2. NATURE OF THE CASE.

[Insert a brief statement, not exceeding one paragraph, which characterizes the type of action involved, i.e., products liability, auto negligence, contract, securities, labor-management, employment discrimination, etc.]

[Note: It is unnecessary to include a narrative of the facts and legal conclusions as claimed by plaintiff, or that plaintiff's claims are disputed by defendant. Instead, that material should be set forth in paragraphs 5 and 6 below.]

3. PRELIMINARY MATTERS.

a. Subject Matter Jurisdiction. Subject matter jurisdiction is invoked under [28 U.S.C. § 1331, 28 U.S.C. § 1332, and/or 28 U.S.C. § 1367, etc.], and [is] [is not] disputed.

[If disputed, briefly state the issue(s) presented and whether the court has ruled on the issue(s).]

b. Personal Jurisdiction. The court's personal jurisdiction over the parties [is] [is not] disputed.

[If disputed, briefly state the issue(s) presented and whether the court has ruled on the issue(s).]

c. Venue. The parties stipulate that venue properly rests with this court.

[If disputed, briefly state the issue(s) presented and whether the court has ruled on the issue(s).]

d. Governing Law. Subject to the court's own determination of the law that applies to the case, the parties agree that the substantive issues in this case are governed by the following law:

[Describe what law applies to each claim or defense. If disputed, briefly state the issue(s) presented and whether the court has ruled on the issue(s).]

4. STIPULATIONS.

[Separately state and letter each stipulation, including the following, where appropriate and as agreed to by the parties in this case.]

a. The following facts are uncontroverted:

[Insert numbered subparagraphs, after consulting the complaint and answer, responses to requests for admissions, interrogatory answers, summary judgment materials, and proposed findings of fact, among other things. Counsel should attempt to make this list as comprehensive as possible. Only in exceptional cases should there be a failure to stipulate to some facts.]

b. The following documents, which have been produced in the course of discovery, constitute “business records” within the scope of Fed. R. Evid. 803(6) and may be introduced in evidence during trial subject to objections based solely on grounds of relevancy: *[list]*.

c. Copies of exhibits may be used during trial in lieu of originals.

d. The parties have stipulated to the admission of the following trial exhibits:
[list].

e. At trial, witnesses who are within the subpoena power of the court and who are officers, agents, or employees of the parties need not be formally subpoenaed to testify, provided that opposing counsel is given at least _____ days advance notice of the desired date of trial testimony.

f. By no later than ____ p.m. each day of trial, counsel shall confer and exchange a good faith list of the witnesses who are expected to testify the next day of trial.

g. Subject to the court’s own determination of the law that applies to the case, the following legal principles are undisputed by the parties: *[list]*.

5. FACTUAL CONTENTIONS.

a. Plaintiff's Contentions.

[Provide a brief, non-argumentative narrative statement of plaintiff's version of the ultimate facts as they pertain to the pertinent issues of this case.]

[Note: It is neither necessary nor appropriate to recite here every factual nuance that will be presented at trial.]

b. Defendant's Contentions.

[Provide a brief, non-argumentative narrative statement of defendant's version of the ultimate facts as they pertain to the pertinent issues of this case, consistent with the note to paragraph 5(a) above.]

c. Contentions of [Any Other Parties].

[Use this subparagraph only if necessary, i.e., omit this paragraph if there are no other parties. If this subparagraph is applicable, see note to paragraph 5(a) above.]

6. THEORIES OF RECOVERY AND AFFIRMATIVE DEFENSES.

a. **Plaintiff's Theories of Recovery.** Plaintiff asserts that [he] [she] [it] is entitled to recover upon the following theory [alternative theories]:

[Provide a concise list of plaintiff's theories of recovery, e.g., plaintiff was terminated in violation of the ADEA, plaintiff was injured by defendant's fault, etc. When applicable, list specific grounds of comparative fault. Each theory of recovery should be correlated to a particular count of the complaint; if certain counts of the complaint have been abandoned by the plaintiff, or dismissed by the court, indicate that here.]

b. **Defendant's Defenses.** Defendant asserts the following defenses and affirmative defenses:

[Provide a concise list of defendant's defenses and affirmative defenses. When applicable, list specific grounds of comparative fault.]

c. **Counterclaims; Cross-Claims; Third-Party Claims.** [Party raising the claim] asserts that [he] [she] [it] is entitled to recover upon the following theory [alternative theories]:

[Provide a concise list of the theories of recovery on which any counterclaims, cross-claims, and/or third-party claims are based. However, if there are no such claims, simply state “None” under this paragraph heading.]

d. **Defenses and Affirmative Defenses to Counterclaims, Cross-Claims, and/or Third-Party Claims.** [Appropriate party] asserts the following defenses and affirmative defenses:

[See note to paragraph 6(b) above. Omit this paragraph if there are no such claims or defenses involved in the case.]

7. ISSUES.

[Note: If any party objects to or disputes the essential elements of a claim or affirmative defense asserted by an opposing party as set forth in the subsections below, the objecting party is encouraged to reflect that in the proposed pretrial order. In addition, the objecting party should set forth supporting citations and a list of the elements that it asserts are proper. If the case involves multiple claims and affirmative defenses, subsections should be duplicated as necessary for each separate theory of recovery and for each separate affirmative defense.]

a. **Plaintiff’s First Theory of Recovery (i.e., _____) [e.g., breach of implied warranty, strict liability, etc. (Count ___ of complaint)].**

(1) **Essential Elements.** Subject to the court’s own determination of the law that applies to this case, plaintiff believes that, in order to prevail on [theory of recovery], plaintiff has the burden of proving the following essential elements: *[list]*.

[Note: Counsel should consider controlling precedents and jury instructions at this point. Identify the essential elements of plaintiff's claim, and any stipulations relevant to any of those elements which are uncontroverted in this case. If one or more elements of the claim are uncontroverted, they should also be reflected as stipulations in paragraph 4(a) of this pretrial order.]

- (2) **Issues of Fact.** With regard to this theory of recovery, one or more of the parties believe that the following issues of fact must be resolved at trial: *[list]*.

[Note: Each ultimate issue of fact relevant to the theory of recovery should be listed. Issues should only be included if there actually is a good faith disagreement by the parties requiring resolution at trial, i.e., if a particular essential element is uncontroverted, it should not be listed as a factual issue. If there is a disagreement by the parties concerning whether a particular factual issue exists, or how it should be posed, that should be clearly reflected in the listing of issues of fact.]

- (3) **Issues of Law.** With regard to this theory of recovery, one or more of the parties believe that the following issues of law must be resolved by the court: *[list]*.

[Note: If there is a disagreement by the parties concerning whether a particular legal issue exists, or how it should be posed, that should be clearly reflected in the listing of issues of law.]

- (4) **Mixed Issues of Law and Fact.** With regard to this theory of recovery, one or more of the parties believe that the following mixed issues of law and fact are involved in this case: *[list]*.

[Note: If there is a disagreement by the parties concerning whether a particular mixed issue exists, or how it should be posed, that should be clearly reflected in the listing of mixed issues of law and fact.]

[Note: As earlier indicated, if the case involves multiple claims asserted by the plaintiff, separately lettered subparagraphs should

be formatted as set forth above for each such separate theory of recovery.]

b. **Defendant's First Affirmative Defense** (i.e., _____)[e.g., waiver, release, etc.].

- (1) **Essential Elements.** Subject to the court's own determination of the law that applies to this case, defendant believes that, in order to prevail on the affirmative defense of _____, defendant has the burden of proving the following essential elements: *[list]*.

[Note: Counsel should consider controlling precedents and jury instructions at this point. It is not an affirmative defense that plaintiff cannot establish one or more essential elements of plaintiff's claim. Instead, this part of the pretrial order should only address those matters, if any, upon which defendant bears the burden of proof. Defendant should also identify any stipulations relevant to those essential elements which are uncontroverted in this case. As earlier indicated, if any elements of an affirmative defense are uncontroverted, they should also be reflected as stipulations in paragraph 4(a) of this pretrial order.]

- (2) **Issues of Fact.** With regard to this affirmative defense, one or more the parties believe that the following issues of fact must be resolved at trial: *[list]*.

[Note: See note to paragraph 7(a)(2) above.]

- (3) **Issues of Law.** With regard to this affirmative defense, one or more of the parties believe that the following issues of law must be resolved by the court: *[list]*.

[Note: See note to paragraph 7(a)(3) above.]

- (4) **Mixed Issues of Law and Fact.** With regard to this affirmative defense, one or more of the parties believe that the following mixed issues of law and fact are involved in this case: *[list]*.

[Note: See note to paragraph 7(a)(4) above.]

[Note: As earlier indicated, if the case involves multiple affirmative defenses, separately lettered subparagraphs should be formatted as set forth above for each such affirmative defense.]

c. Counterclaims; Cross-Claims; Third-Party Claims.

[State “None” if appropriate, i.e., if there are no such claims in the case. Otherwise, duplicate the format of paragraphs 7(a) and 7(b) above for each counterclaim, cross-claim, and/or third-party claim, and for each affirmative defense that relates to such claims.]

8. DAMAGES.

a. Plaintiff’s Damages.

[State the specific injuries suffered, loss sustained, and/or the nature of the damages sustained. Include the dollar amount of damages and/or any other relief requested. This should be a specific, itemized list. In addition, state whether plaintiff claims an entitlement to attorneys’ fees and, if so, the specific statutory or other basis for such fees.]

b. Defendant’s Damages.

[State “None claimed” if appropriate. If defendant is asserting a claim for damages, however, state the specific injuries suffered, loss sustained, and/or the nature of any damages sustained and claimed by defendant. Include the dollar amount of damages and/or any other relief requested. This should be a specific, itemized list. In addition, regardless of whether defendant has asserted a claim for damages against plaintiff, state whether defendant claims an entitlement to attorneys’ fees and, if so, the specific statutory or other basis for such fees.]

c. Damages of [Other Parties].

[Omit this subparagraph if no such claims are involved in this case. If this subparagraph is applicable, state the specific injuries suffered, loss sustained, and/or the nature of the damages sustained. Include the dollar amount of damages and/or any other relief requested. This should be a specific, itemized list.]

9. NON-MONETARY RELIEF REQUESTED, IF ANY.

[State “None” if only money damages are sought. Otherwise, specify any non-monetary relief sought by any party, i.e., injunctive relief, specific performance or rescission. Include an explanation of the statutory and other bases for the requested non-monetary relief. For instance, in the context of a request for a permanent injunction, explain the nature of the irreparable injury, and how the injury outweighs any potential damage to the opposing party.]

10. AMENDMENTS TO PLEADINGS.

[State “None,” or a concise statement of all proposed amendments, and whether a separate written motion to amend has been filed.]

11. DISCOVERY.

Under the scheduling order and any amendments, all discovery was to have been completed by _____, 200_. Discovery is [complete] [incomplete].

Unopposed discovery may continue after the deadline for discovery so long as it does not delay the briefing of or ruling on dispositive motions, or other pretrial preparations. Under these circumstances, the parties may conduct discovery beyond the discovery cutoff date if all parties are in agreement to do so, but the court will not be available to resolve any disputes that arise during the course of this extended discovery.

[Note: State that discovery is “complete” in the usual case. However, if discovery is incomplete and one or more of the parties proposes that discovery be extended generally or for limited purposes, state specifically what further discovery remains to be completed and whether any party objects to such discovery. In addition, state when that discovery can be completed and why, in the exercise of due diligence, the proposed discovery could not have been completed by the deadline earlier set by the court.]

12. WITNESSES AND EXHIBITS.

a. Final Witness and Exhibit Disclosures Under Rule 26(a)(3). The parties’ final witness and exhibit disclosures pursuant to Fed. R. Civ. P. 26(a)(3) shall be filed no

later than 20 days before trial. D. Kan Rule 16.2(e), entitled “Witness and Exhibit Lists and Disclosures,” which the court is in the process of amending, will not be applied in this case. With regard to each witness disclosed under Fed. R. Civ. P. 26(a)(3)(A), the disclosures also shall set forth the subject matter of the expected testimony and a brief synopsis of the substance of the facts to which the witness is expected to testify. Witnesses expected to testify as experts shall be so designated. Witnesses and exhibits disclosed by one party may be called or offered by any other party. Witnesses and exhibits not so disclosed and exchanged as required by the court’s order shall not be permitted to testify or be received in evidence, respectively, except by agreement of counsel or upon order of the court. The parties should bear in mind that seldom should anything be included in the final Rule 26(a)(3)-disclosures that has not previously appeared in the initial Rule 26(a)(1)-disclosures or a timely Rule 26(e) supplement thereto; otherwise, the witness or exhibit probably will be excluded at trial. *See* Fed. R. Civ. P. 37(c)(1).

b. Objections. The parties shall file any objections under Fed. R. Civ. P. 26(a)(3) no later than 11 days before trial. Any responses to such objections shall be filed no later than 5 calendar days before trial. The court shall deem waived any objection not timely asserted, unless excused by the court for good cause shown.

c. Marking and Exchange of Exhibits. All exhibits shall be marked no later than 5 calendar days before trial. The parties shall exchange copies of exhibits at or before the time they are marked. The parties shall also prepare lists of their expected exhibits, in the form attached to this pretrial order, for use by the courtroom deputy clerk and the court

reporter. In marking their exhibits, the parties shall use preassigned ranges of numbered exhibits. Exhibit Nos. 1-400 shall be reserved for plaintiff(s); Exhibit Nos. 401-800 shall be reserved for defendant(s); Exhibits 801 and higher shall be reserved for any third party. [Optional: Each exhibit that the parties expect to offer shall be marked with an exhibit sticker, placed in a three-ring notebook, and tabbed with a numbered tab that corresponds to the exhibit number. The parties shall prepare an adequate number of exhibit books, including one book containing the original exhibits, two copies for the court, one copy for opposing counsel, and one copy for each juror if counsel intend to distribute exhibit books to jurors.]

d. Designations of Deposition Testimony.

(1) **Written Depositions.** Consistent with Fed. R. Civ. P. 26(a)(3)(B), any deposition testimony sought to be offered by a party other than to impeach a testifying witness shall be designated by page and line in a pleading filed no later than 20 days before trial. No later than 11 days before trial, in accordance with Fed. R. Civ. P. 32(a)(4), the opposing party shall file a counter-designation by page and line of any portions of the deposition that the opposing party believes in fairness ought to be considered with the part the offering party has designated, together with any objections to the designations made by the offering party. Any objections to any counter-designations shall be filed no later than 5 calendar days before trial. The court will not entertain any objections to deposition testimony unless and until the parties have attempted in good faith to resolve the dispute among themselves either in person or via telephone conference. Where the court must

resolve disputes concerning presentation of deposition testimony at trial, the objecting party shall deliver a copy of the deposition to the trial judge no later than 1 business day before trial. On this copy, those portions of the deposition that are intended to be presented at trial shall be marked by brackets in the margins with different colored highlighting. Red highlighting shall be used for plaintiff(s), blue highlighting shall be used for defendant(s), and yellow highlighting shall be used for any third party.

(2) **Videotaped Depositions.** The paragraph immediately above applies to videotaped depositions as well as written deposition transcripts. When, however, the parties require rulings outside the presence of the jury to facilitate a “clean” presentation of deposition testimony at trial, written transcripts rather than videotaped transcripts shall be presented in connection with the parties’ objections. A party who offers a videotaped deposition must edit the tape according to the designations and court’s rulings so that it can be played in a manner that will not delay the trial.

13. MOTIONS.

a. Pending Motions.

[List any pending motions, including the date of filing and docket number.]

b. Additional Pretrial Motions.

The dispositive motion deadline, as established in the scheduling order and any amendments, is _____, 200_.

Consistent with the scheduling order filed earlier in this case, the arguments and authorities section of briefs or memoranda submitted in connection with all further motions or other pretrial matters shall not exceed 30 pages, absent an order of the court.

[List all motions each party intends to file prior to trial. At the pretrial conference, a date will be fixed for filing all motions and supporting memoranda for which a deadline has not already been set.]

c. Motions Regarding Expert Testimony. All motions to exclude testimony of expert witnesses pursuant to Fed. R. Evid. 702-05, *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), or similar case law, shall be filed by the deadline set for dispositive motions. (*Alternative Language:* [The parties have stipulated that they will not call any expert witnesses at trial.] [The parties have agreed that no motions will be filed in this case challenging the propriety of expert testimony.]

d. Motions in Limine. All motions in limine, other than those challenging the propriety of an expert witness, shall be filed no later than 20 days before trial. Briefs in opposition to such motions shall be filed no later than 15 days before trial. Reply briefs, if any, shall be filed no later than 11 days before trial.

14. TRIAL.

a. This case is set for trial on the court's docket beginning on _____, **200_**, at _____. Unless otherwise ordered, this is not a "special" or "No. 1" trial setting. Therefore, during the month preceding the trial docket setting, counsel should stay in contact with the trial judge's courtroom deputy to determine the day of the docket on which trial of

the case actually will begin. [*Alternative language*: This case probably will not be set for trial until after all timely filed dispositive motions have been decided by the court.]

b. Trial will be [by jury] [by the court sitting without a jury].

c. Estimated trial time is _____ days/weeks.

d. Trial will be in _____, Kansas, or such other place in the District of Kansas where the case may first be reached for trial.

e. [*If applicable*] Pursuant to 28 U.S.C. § 636(c)(1), and by agreement and consent of the parties, this case may be tried by U.S. Magistrate Judge _____.

[*Alternative language for a “back-up” consent*: Pursuant to 28 U.S.C. § 636(c)(1), and by agreement and consent of the parties, this case may be tried by U. S. Magistrate Judge _____ if the court determines that its schedule will be unable to accommodate any trial date stated above.]

f. Because of constraints on the judiciary’s budget for the compensation of jurors, in any case in which the court is not notified of a settlement by **12:00 noon** on the day before the trial is scheduled to commence, the costs of jury fees and expenses will be assessed to the parties, or any of them, as the court may order.

g. Prior to trial counsel shall review the presiding judge’s trial guidelines and/ or exhibit instructions on the district’s Internet Website: (<http://www.ksd.uscourts.gov/chambers.pdf>).

15. SETTLEMENT.

a. Status of Settlement Efforts.

[Do not disclose the specific amount of any given offer or counteroffer. However, summarize all settlement efforts to date, including the following: (1) the good faith efforts to resolve this matter in which the parties have participated, including the date when the parties participated in mediation, and the identity of the mediator; (2) the date when the parties last exchanged written, good faith settlement proposals; (3) the parties' views concerning future settlement negotiations and prospects for settlement; and (4) unless mediation and/or any other method of alternative dispute resolution would be futile, the parties' plan for mediation and/or any other method of alternative dispute resolution (including the name of the person chosen to conduct the chosen process, the date on which the process will occur, and the party representatives who will participate).]

b. Mediation and/or Other Method of Alternative Dispute Resolution.

Mediation [and/or any other method of alternative dispute resolution] [is] [is not] ordered as follows: _____.

16. FURTHER PROCEEDINGS AND FILINGS.

a. Status and/or Limine Conference. Relatively close to the date of trial, the trial judge [probably] [may] [will] schedule [has scheduled] a status and/or limine conference [for _____, 200_, at _____].

b. Trial Briefs. A party desiring to submit a trial brief shall comply with the requirements of D. Kan. Rule 7.6. Any trial brief by plaintiff(s) shall be filed no later than 15 days before trial. Any trial brief by defendant(s) shall be filed no later than 11 days before trial. The court does not require trial briefs but finds them helpful, particularly if the parties anticipate that unique or difficult issues will arise during trial.

c. Voir Dire. The parties shall file proposed voir dire questions no later than 15 days before trial. Any objections to such proposed questions shall be filed no later than 11 days before trial. Due to substantially differing views among judges of this court concerning

the extent to which counsel should be allowed to participate in voir dire, counsel are encouraged to contact the trial judge's law clerk or courtroom deputy (in accordance with the preference of the particular trial judge) well in advance of the above-described deadlines to address what, if anything, actually needs to be submitted by way of proposed voir dire questions.

d. Jury Instructions.

(1) Requests for proposed instructions in jury cases shall be submitted in compliance with Fed. R. Civ. P. 51 and D. Kan. Rule 51.1. Counsel are encouraged to contact the trial judge's law clerk or courtroom deputy (in accordance with the preference of the particular trial judge) to determine that judge's so-called standard or stock instructions, e.g., concerning the jury's deliberations, the evaluation of witnesses' credibility, etc.; it is unnecessary to submit such proposed jury instructions to the court. The parties and the attorneys have the joint responsibility to attempt to submit one agreed set of preliminary and final instructions that specifically focuses on the parties' factual contentions, the controverted essential elements of any claims or defenses, damages, and any other instructions unique to this case. In the event of disagreement, each party shall submit its own proposed instructions with a brief explanation, including legal authority as to why its proposed instruction is appropriate, or why its opponent's proposed instruction is inappropriate, or both.

(2) Proposed instructions in jury cases shall be filed no later than 15 days before trial. Objections to any proposed instructions shall be filed no later than 11 days before trial.

(3) In addition to filing the proposed jury instructions, the parties shall submit their proposed instructions (formatted in WordPerfect 9.0, or earlier version) as an attachment to an Internet e-mail sent to the e-mail address of the assigned trial judge listed in paragraph II(E)(2)(c) of the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Civil Cases*.

e. Findings of Fact and Conclusions of Law. If this case is tried to the court sitting without a jury, plaintiff(s) shall serve and file proposed findings of fact and conclusions of law no later than 15 days before trial, and defendant(s) shall file such proposed findings of fact and conclusions of law no later than 11 days before trial.

17. OTHER.

a. Conventionally Filed Documents. The following documents shall be served by mail and by fax or hand delivery on the same date they are filed with the court if they are filed conventionally, *i.e.*, not filed electronically: final witness and exhibit disclosures and objections; deposition designations, counter-designations, and objections; motions in limine and briefs in support of or in opposition to such motions; trial briefs; proposed voir dire questions and objections; proposed jury instructions and objections; and proposed findings of fact and conclusions of law. In addition, a party filing a trial brief conventionally shall deliver an extra copy to the trial judge's chambers at the time of filing.

b. Miscellaneous.

[Identify any significant matter affecting trial of the case not properly noted elsewhere. Otherwise, simply state: "None."]

[Note: This part of the pretrial order may also include additional language that is required by the judge to whom the case is assigned. For example, in cases tried before Judge Belot or Judge Crow, the language set out below should be used.]

IT IS SO ORDERED.

Dated this ____ day of _____, 200_, at _____, Kansas.

[Name]
U. S. District Judge (or)
U. S. Magistrate Judge

EXAMPLE OF REQUIRED LANGUAGE IN PARAGRAPH 17(b) FOR CASES TRIED BY JUDGE BELOT]:

The court usually will hold a status conference approximately one week prior to trial. Out-of-town counsel may appear by telephone.

The courtroom is equipped with a television, VCR, Elmo, easel and projector screen for your use. Counsel wishing to use other equipment should contract Carolyn Lary at least 5 days prior to trial.

The courtroom number is 161. Directly across from the courtroom are two attorney/witness rooms for your use.

EXAMPLE OF REQUIRED LANGUAGE IN PARAGRAPH 17(b) FOR CASES
TRIED BY JUDGE CROW]:

The court will hold a status conference approximately two to three weeks prior to trial.

The parties shall comply with Judge Crow's Standing Order Pertaining to CM/ECF, dated March 6, 2003.

SUMMARY OF DEADLINES AND SETTINGS	
Event	Deadline/Setting
Extended deadline to complete any remaining discovery (if applicable)	
Mediation/settlement conference (if applicable)	
Dispositive motions, <u>and</u> any motions challenging admissibility of expert testimony	
Trial	
Status and/or limine conference (if presently set)	
Final witness & exhibit disclosures	20 days before trial
Objections to final witness & exhibit disclosures	11 days before trial
Responses to objections to final witness & exhibit disclosures	5 calendar days before trial
Exhibits marked	5 calendar days before trial
Deposition testimony designated	20 days before trial
Objections to deposition designations, along with any counter-designations	11 days before trial
Objections to counter-designations of deposition testimony	5 calendar days before trial
Submission of disputes concerning designated deposition testimony	1 business day before trial
Motions in limine	20 days before trial
Briefs in opposition to motions in limine	15 days before trial
Reply briefs, if any, in support of motions in limine	11 days before trial
Trial brief of plaintiff(s)	15 days before trial
Trial brief of defendant(s)	11 days before trial
Proposed voir dire questions	15 days before trial
Objections to proposed voir dire questions	11 days before trial
Proposed jury instructions	15 days before trial
Objections to proposed jury instructions	11 days before trial
Proposed findings of fact and conclusions of law in bench trials, by plaintiff(s)	15 days before trial
Proposed findings of fact and conclusions of law in bench trials, by defendant(s)	11 days before trial

