

UNITED STATES DISTRICT COURT
_____ DISTRICT OF MISSISSIPPI

Plaintiff

v.

CIVIL ACTION NO.

Defendant

PRETRIAL ORDER

1. Choose [by a ✓ mark] one of the following paragraphs, as is appropriate to the action:

If a pretrial conference was held

_____ A pretrial conference was held as follows:

Date: _____ Time: _____

United States Courthouse at: _____ Mississippi,

before the following judicial officer: _____

If the final pretrial conference was dispensed with by the court pursuant to UNIFORM LOCAL RULE 10(b)

_____ The final pretrial conference having been dispensed with the magistrate judge, the parties have conferred and agree upon the following terms of this pretrial order:

2. The following counsel appeared:

a. For the Plaintiff:

Name

Address

Telephone No.

b. For the Defendant:

Name

Address

Telephone No.

a. For Other Parties:

Name

Address

Telephone No.

3. The pleadings are amended to conform to this pretrial order.
4. The following claims (including claims stated in the complaint, counter-claims, cross-claims, third-party claims, etc.) have been filed:
5. The basis for the court's jurisdiction is:
6. The following jurisdictional question(s) remain(s) [If none, enter "None"]:
7. The following motions remain pending [If none, enter "None"] [Note: Pending motions not noted here may be deemed moot]:
8. The parties accept the following **concise** summaries of the ultimate facts as claimed by:

a. Plaintiff:

b. Defendant:

c. Other:

9. a. The following facts are established by the pleadings, by stipulation, or by admission:

b. The contested issues of fact are as follows:

c. The contested issues of law are as follows:

10. The following is a list and brief description of all exhibits (except exhibits to be used for impeachment purposes only) to be offered in evidence by the parties. **Each exhibit has been marked for identification and examined by counsel.**

a. To be Offered by the Plaintiff:

The authenticity and admissibility in evidence of the preceding exhibits are stipulated. If the authenticity and/or admissibility of any of the preceding exhibits is objected to, the exhibit must be identified below, together with a statement of the specified ground(s) for the objection(s):

a. To be Offered by the Defendant:

The authenticity and admissibility in evidence of the preceding exhibits are stipulated. If the authenticity and/or admissibility of any of the preceding exhibits is objected to, the exhibit must be identified below, together with a statement of the specified ground(s) for the objection(s):

11. The following is a list and brief description of charts, graphs, models, schematic diagrams, and similar objects which will be used in opening statements or closing statements, but which **will not** be offered in evidence:

Objections, if any, to use of the preceding objects are as follows:

If any other objects are to be used by any party, such objects will be submitted to opposing counsel at least three days prior to trial. If there is then any objection to use of the objects, the dispute will be submitted to the court at least one day prior to trial.

12. The following is a list of witnesses Plaintiff anticipates calling at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the trial judge prior to commencement of trial. The listing of a **WILL CALL** witness constitutes a professional representation, upon which opposing counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary.

<u>Name</u>	✓ <u>Will</u> <u>Call</u>	✓ <u>May</u> <u>Call</u>	Fact <u>Liability</u> <u>Expert</u> <u>Damages</u>	<u>Residence</u> <u>Address &</u> <u>Tel. No.</u>	<u>Business Address &</u> <u>Tel. No.</u>
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Will testify live:

Will testify by deposition:

State whether the entire deposition, or only portions, will be used. Counsel **shall** confer, no later than twenty days before the commencement of trial, to resolve **all** controversies concerning **all** depositions (videotaped or otherwise). All controversies not resolved by the parties shall be submitted to the trial judge not later than ten days prior to trial. All objections not submitted within that time are waived.

13. The following is a list of witnesses Defendant anticipates calling at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the trial judge prior to commencement of trial. The listing of a **WILL CALL** witness constitutes a professional representation, upon which opposing counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary.

<u>Name</u>	<input checked="" type="checkbox"/> <u>Will</u> <u>Call</u>	<input checked="" type="checkbox"/> <u>May</u> <u>Call</u>	<u>Fact</u> <u>Liability</u> <u>Expert</u> <u>Damages</u>	<u>Residence</u> <u>Address &</u> <u>Tel. No.</u>	<u>Business Address &</u> <u>Tel. No.</u>
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Will testify live:

Will testify by deposition:

State whether the entire deposition, or only portions, will be used. Counsel **shall** confer, no later than twenty days before the commencement of trial, to resolve **all** controversies concerning **all** depositions (videotaped or otherwise). All controversies not resolved by the parties shall be submitted to the trial judge not later than ten days prior to trial. All objections not submitted within that time are waived.

14. This (✓) _____ is _____ is not a jury case.

15. Counsel suggests the following additional matters to aid in the disposition of this civil action:

16. Counsel estimates the length of the trial will be _____ days.

17. As stated in paragraph 1, this pretrial order has been formulated (a) at a pretrial conference before the United States Magistrate Judge, notice of which was duly served on all parties, and at which the parties attended as is stated above, or (b) the final pretrial conference having been dispensed with by the magistrate judge, as a result of conferences between the parties. Reasonable opportunity has been afforded for corrections or additions prior to signing. This order will control the course of the trial, as provided by Rule 16, Federal Rules of Civil Procedure, and it may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice.

ORDERED, this the _____ day of _____, 20_____.

UNITED STATES DISTRICT JUDGE

Attorney for Plaintiff

Attorney for Defendant

Entry of the preceding Pretrial Order is recommended by me on this, the _____ day of
_____, 20____.

UNITED STATES MAGISTRATE JUDGE