

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

_____, }
Plaintiff, }
vs. } No. _____ CV _____
_____ }
Defendant. }

ORDER ON FINAL PRETRIAL CONFERENCE

This matter having come before the Court on _____, 20____,
at pretrial conference held before _____, United States
District Judge, pursuant to Fed. R. Civ. P. 16; and _____ having appeared
as counsel for plaintiff and _____ having appeared as counsel for defendant
and _____ having appeared as counsel for _____
;the following action was taken:

(a) *Jurisdiction and Parties.* This is an action for _____.
Jurisdiction of the Court is invoked under _____ U.S.C. § _____. The jurisdiction of
the Court is disputed _____ is not disputed _____. The question of jurisdiction was decided as

follows: (Appropriate recitation of preliminary hearing and findings). There is no remaining question as to the propriety of the parties. (Or, if there is, state the nature of the dispute).

(b) *General Nature of the Claims of the Parties.*

(1) Plaintiff claims (Set out brief summary without detail).

(2) Defendant claims (Set out brief summary without detail).

(3) All other parties claim (Same type of statement where third parties are involved).

(c) *Uncontroverted Facts.* The following facts are established by admissions in the pleadings or by stipulation of counsel at the pretrial conference: (Set out uncontroverted facts, including admitted jurisdictional facts and all other significant facts to which there is no genuine issue. If the action is a negligence case, all of the items covered in paragraphs (n) (1) through (12) of the Tenth Circuit Pretrial Check List (Appendix A) should be covered under this or the following paragraph, as appropriate.)

(d) *Contested Issues of Fact.* The contested issues of fact remaining for decision are: (Set out).

(e) *Contested Issues of Law.* The contested issues of law in addition to those implicit in the foregoing issues of fact are: (Set out). (Or) There are no special issues of law reserved other than those implicit in the foregoing issues of fact.

(f) *Exhibits.* There are received in evidence (or identified and offered) the following:

(1) plaintiff's Exhibits: (List).

(2) defendant's Exhibits: (List).

(3) exhibits of other parties: (If involved, list).

(4) any counsel requiring authentication of an exhibit must so notify in writing the offering counsel within five (5) days after the exhibit is made available to opposing counsel for examination. Failure to do so is an admission of authenticity.

(5) any other objections to admissibility of exhibits must, where possible, be made at least three (3) days before trial, and the Court notified of such objections. Where possible, admissibility will be ruled on before trial, and objections reserved for the record.

(6) at time of trial, each counsel will furnish to the Court four (4) copies (and one copy to each opposing counsel) of the list of all exhibits to be offered.

(7) all exhibits will be offered and received in evidence as the first item of business at the trial.

(g) *Depositions.* Any party proposing to offer all or any portion of a deposition shall notify opposing counsel at least ten (10) days before trial of the offers to be made (unless the necessity for using the deposition develops unavoidably thereafter) . If objection is to be made, or if additional portions of a deposition are to be requested, opposing counsel will notify offering counsel at least five (5) days before trial of such objections or requests. If any differences cannot be resolved, the Court must be notified in writing of such differences at least three (3) days before trial.

(h) *Discovery.* Discovery has been completed. (Or) Discovery is to be completed by _____ . (Or) Further discovery is limited to _____ . The following provisions were made for discovery: (Specify).

(i) *Witnesses.*

(1) In the absence of reasonable notice to opposing counsel to the contrary, plaintiff will

call, or will have available at the trial: (List). Plaintiff may call: (List).

(2) In the absence of reasonable notice to opposing counsel to the contrary, defendant will call, or will have available at the trial (List). Defendant may call: (List).

(3) In the absence of reasonable notice to opposing counsel to the contrary, _____
_____ will call, or will have available at the trial: (List). _____
_____ may call: (List) (Use of third parties, if any).

(j) *Requests For Instructions.* (If the case is to be tried to a jury, include the following. Otherwise omit) . It is directed that requests for instructions be submitted to the Court _____ days before trial, subject to the right of counsel to supplement such requests during the course of trial on matters that cannot be reasonably anticipated.

(k) *Amendments to Pleadings.* There were no requests to amend pleadings. (Or) The following order was made with regard to amendments to the pleadings: (Set out).

(l) *Other Matters.* The following additional matters to aid in the disposition of the action were determined: (Set out to the extent determined with reference to schedule for briefs, requests for questions on voir dire examination of jury, advance proposals for findings of fact; also trial schedule, further pretrial conferences, preliminary rulings on questions of law, exchange of medical reports, indexing or abstracting of exhibits, specification of objections, etc.).

(m) *Modifications-interpretation.* This pretrial order has been formulated after conference at which counsel for the respective parties have appeared. Reasonable opportunity has been afforded counsel for corrections or additions prior to signing by the Court. Hereafter this order will control the course of the trial and may not be amended except by consent of the parties and the Court, or by order of the Court to prevent manifest injustice. The pleadings will be deemed

merged herein. In the event of ambiguity in any provision of this order, reference may be made to the record of this conference to the extent reported by stenographic notes, and to the pleadings.

(n) *Trial Setting* The case was set for trial with without a jury on _____, 20____, at _____ o'clock, ____m. (Or) No definite setting was made, but it was estimated that the case will be reached for trial.

(o) *Memorandum*. Estimated length of trial is _____ days. Possibility of settlement of this case is considered good fair poor .

Dated _____, 20 ____.

UNITED STATES DISTRICT JUDGE