

**FORM OF FINAL PRETRIAL ORDER USED BY
THE HONORABLE ANNE E. THOMPSON, USDJ**

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON VICINAGE

PLAINTIFF

CIVIL ACTION NUMBER

V.

DEFENDANT

JOINT FINAL PRETRIAL ORDER

(Please retype the following statement:)

The following shall constitute the Final Pretrial Order pursuant to Rule 16 of the Federal Rules of Civil Procedure, and this Final Pretrial Order shall govern the Conduct of the trial of this case. Amendments to this order will be allowed only in exceptional circumstances to prevent manifest injustice.

APPEARANCES:

(The names, addresses and telephone numbers of trial counsel shall be listed for each party and the identity of the party represented should be clearly stated.)

1. Nature of the Action and Jurisdiction of the Court:
2. Factual contentions of Plaintiff:
(Insert names) (This section not to exceed two pages without leave of the Court)
3. Factual Contentions of Defendants:
(Insert names) (This section not to exceed two pages without leave by the Court)
4. Factual Contentions of Defendant/Third Party Plaintiff:
(Insert names) (This section not to exceed two pages except by leave of the Court)
5. Factual Contentions of Third Party Defendants:
(Insert names) (This section not to exceed two pages except by leave of the Court)
6. Stipulated Facts:

7. Statement of Damages Claimed:
(In every case, the statement of damages must be specific. In Personal Injury actions the medical specials and any wage or other losses should be itemized along with the nature, extent and duration of any alleged injuries. If monetary damages are not sought, the type of relief should be described.)
(This section is limited to one page except by leave of the Court)

8. Statement of Legal Issues Presented:
(e.g., negligence...breach of contract...wrongful death...damages...etc...)

2. Legal Issues, Defenses or Claims to be Abandoned:

10. Exhibits:

(Each party shall list separately and describe with particularity each exhibit which it intends to use at the trial of this case. Any exhibit not listed may not be used during the parties' case-in-chief, unless the existence of the exhibit, despite due diligence, was unknown to the party and its counsel at the time of submission of this order. This list shall be seasonably supplemented upon the discovery of a new exhibit. If a party intends to use no exhibits at trial for any purpose, the party shall so state. Exhibits should be premarked prior to trial.)

11. Additional Discovery:

(Unless leave of the Court has been obtained to extend pretrial discovery, and it is so noted in the Final Pretrial Order, this order shall contain the statement, "All discovery is complete".)

12. Expert Witnesses:

(The names of expert witnesses should be listed and a reference should be made to any prior order controlling the terms and conditions of experts' reports and testimony. Copies of expert reports and resumes of experts are not to be attached to the Final Pretrial Order, but shall be separately submitted to the Court on the day of the Pretrial Conference.)

As to Medical Malpractice Actions only:

Please cite the volume, chapter and line of any learned treatises you plan to utilize at trial during direct or cross-examination.

13. Fact Witnesses:

(The name of each witness whom the party intends to call at trial shall be listed with a

short identifying statement. A detailed summary of the anticipated testimony of each witness must be provided. Except for rebuttal witnesses, no party shall call a witness at trial whose name does not appear on that party's witness list, unless the existence of the potential witness was unknown to the party, despite due diligence, at the time of submission of this order. Upon the discovery of a new witness, the name of such witness and a summary of the testimony shall be seasonably supplied to all parties and the pre-trial order amended.)

14. Deposition testimony to be read. (Pages - Lines)

15. Trial Briefs and Requests to Charge:

(No later than five days before the date set for trial or at such time as the Court may direct, each party shall submit:

- a. Trial Brief or memorandum with citations and authorities and arguments in support of the party's position on all disputed issues of law
- b. Proposed Findings of Fact and Conclusions of Law (for Non-Jury cases),
- c. Requested Voir Dire Questions
- d. Form of Verdict Sheet (including Special Interrogatories)

16. In Limine Motions:

(In Limine motions respecting the admissibility of exhibits or the exclusion of witness' testimony must be identified within this order.)

17. Bifurcation:

(The issues of liability and damages shall/shall not be tried separately.)

18. Estimated Length of Trial:

(Please give estimated length of trial and set forth the trial date which has been assigned.)

19. Copies of Exhibits:

(Copies of exhibits are to be made for opposing counsel, and a bench book of exhibits is to be delivered to the Judge at the start of trial. If counsel desires to display exhibits to the jury, sufficient copies should be available to provide each juror with a copy; alternatively, enlarged photographic or projected copies may be used.)

CONCLUDING CERTIFICATION

(The following statement is to be retyped and appear at the conclusion of every Joint Final Pretrial Order immediately above counsel's signatures as illustrated below.)

We hereby certify by the affixing of our signatures to this short form Joint Final Pretrial Order that it reflects the efforts of all counsel and that we have carefully and completely reviewed all parts of this order prior to its submission to the Court. The parties are reminded that they must amend the Pretrial Order additional witnesses or exhibits. Further, it is acknowledged that amendments to the Pretrial Order will not be permitted except where the Court determines that manifest injustice would result if the amendment is not allowed.

Attorneys for Plaintiff(s):

Attorneys for Defendant(s):

Entry of the foregoing Joint Final Pretrial Order is hereby APPROVED this

_____ day of _____, 19_____.

UNITED STATES MAGISTRATE JUDGE

* Please note that all counsel of record must sign this pleading. A proposed Final Pretrial Order not personally signed by the party (if pro se) or by an attorney who is a member of the Bar of the State of New Jersey is unacceptable.