

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**INSTRUCTIONS TO COUNSEL FOR PREPARATION OF THE  
UNIFORM FINAL PRETRIAL ORDER (SANDY CASES)**

**1. UNIFORM FINAL PRETRIAL ORDER**

The Uniform Final Pretrial Order must be prepared, signed and submitted to the assigned Magistrate Judge in accordance with the timing and directives of these instructions and any applicable Scheduling Order(s).

Parties that submit a proposed Uniform Final Pretrial Order that does not follow the form and instructions that are provided herewith greatly impede the litigation process and create unnecessary burdens for the Court and its staff.

The Uniform Final Pretrial Order is likely the most important Order related to your case. It is the document that the Court will use for immediate reference during the Trial of your case.

The approved form of the Uniform Final Pretrial Order for all Hurricane Sandy cases is attached hereto. It must be signed by all counsel and must reflect the collaborative effort of all counsel. **The form is a guide. It must be retyped and completed and not used as a “fill in the blanks” form.**

Counsel must make every effort to complete the entire Uniform Final Pretrial Order. To this end, Plaintiff’s counsel must complete and transmit to defense counsel Plaintiff’s portion of the Order at least eight (8) days in advance of the submission date for the completed Order (typically, 48 hours in advance of the Final Pretrial Conference). Thereafter, defense counsel must complete and transmit to Plaintiff’s counsel the defense portion of the Order at least four (4) days in advance of the submission date.

**Plaintiff’s counsel is charged with delivering the original and two copies of the Order to the Magistrate Judge on or before the submission date. The proposed form of Order is NOT to be filed electronically via ECF.** Sanctions may be imposed for the unexcused failure of counsel to cooperate in submitting the Uniform Final Pretrial Order when due.

Upon receipt, the Order will be reviewed by the Magistrate Judge at the Final Pretrial Conference and filed. During the Conference, the Parties either must be present or available by telephone so that any modifications to the Order or settlement proposals made during the conference can be immediately conveyed.

Once the Joint Final Pretrial Order is filed, it can only be modified in exceptional circumstances so as “to prevent manifest injustice.” Fed. R. Civ. P. 16(e). Any application to amend the Uniform Final Pretrial Order must be made by formal motion.

## **2. FINAL PRETRIAL CONFERENCE**

The date of the Final Pretrial Conference will be set forth in a Scheduling Order and will be held in accordance with Fed. R. Civ. P. 16(d). If a summary judgment or other dispositive motion is pending before the District Judge at the time of the Conference, the conference may be postponed until such time as the motion is resolved. Counsel must inform the Magistrate Judge of any such pending motion in advance of the scheduled Final Pretrial Conference date in order to request an adjournment.

## **3. TRIAL DATE and PRETRIAL SUBMISSIONS TO THE COURT**

Any Trial date set forth by the Court should be regarded as “firm”. Any application concerning the Trial date should be directed to the District Judge assigned to the action.

Counsel are advised that the failure to comply with any Order setting forth dates for submission of the Uniform Final Pretrial Order, voir dire questions, requests to charge, or the date of Trial may result in the imposition of sanctions.

SO ORDERED:

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY