

THIS FORM IS TO BE RETYPED IN FULL (INCLUDING ALL INSTRUCTIONS) AND ALL MATERIAL INSERTED IN PROPER SEQUENCE AND NOT BY MEANS OF ATTACHED RIDERS EXCEPT AS PROVIDED BELOW. PLEASE NUMBER ALL PAGES.

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

_____ , Plaintiff(s), v. _____ , Defendant(s).
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Civil Action No.

26-____ (DJ) (MJ)

FINAL PRETRIAL ORDER

A final pretrial conference having been held before the Honorable _____, U.S.M.J., pursuant to Fed. R. Civ. P. 16, in advance of a [jury/bench] trial to be held before the Honorable _____, U.S.D.J. on _____; and _____ having appeared for plaintiff(s), and _____ having appeared for defendant(s), the following Final Pretrial Order is hereby entered:

SUMMARY OF THE CASE

A. Jurisdiction and Nature of the Action (Counsel shall set forth the jurisdictional basis of this action, as well as a brief description of the nature and background of the action).

B. Claims and Counterclaims (Counsel shall list specifically, by count, the claims and counterclaims to be tried in this case, referring specifically to the operative pleadings).

Operative Complaint, ECF No. _____

Operative Answer(s), ECF No(s). _____

Count	Claim/Counterclaim/Crossclaim	Affirmative Defense (if applicable)

SUMMARY OF LEGAL ISSUES

All issues shall be set forth below. The parties need not agree on an issue for it to be listed below. Any issue not listed shall be deemed waived.

MISCELLANEOUS

- A. The parties’ stipulations for trial procedures (*e.g.*, exchange of demonstratives) are as follows:

- B. Judicial Notice (A party requesting the Court take judicial notice of certain facts shall provide a short explanation (with legal citation) for the request. The party opposing the request shall provide a short explanation (with legal authority) for the objection).

- C. The parties shall identify any prior judicial decisions that impact trial (*e.g.*, summary judgment).

- D. Choice of Law issues (explain below).

- E. Notice Required by Law (*e.g.*, Fed. R. Evid. 807).

PENDING/CONTEMPLATED MOTIONS (Set forth all pending or contemplated motions, whether dispositive, *in limine*, or addressed to discovery or the calendar).

STIPULATION OF FACTS (Set forth in numbered paragraphs all facts to which the parties agree).

CONTESTED FACTS (Proofs shall be limited at trial to the contested facts set forth. Failure to set forth any contested facts shall be deemed a waiver).

- A. Plaintiff:
 - 1. Liability
 - 2. Damages

- B. Defendant:
 - 1. Liability
 - 2. Damages

WITNESSES (Aside from those called for impeachment purposes, only the witnesses set forth below may testify at trial. Provide a brief summary of the areas of their anticipated testimony. Expert and lay opinion witnesses shall be separately listed in the next section).

- A. Plaintiff:
 - 1. Witnesses on Liability and Brief Summary of Testimony
 - 2. Witnesses on Damages and Brief Summary of Testimony
- B. Objections To Plaintiff's Witnesses. (If none, so state).
- C. Defendant:
 - 1. Witnesses on Liability and Brief Summary of Testimony
 - 2. Witnesses on Damages and Brief Summary of Testimony
- D. Objections To Defendant's Witnesses. (If none, so state).

EXPERT AND SPECIALIZED LAY OPINION WITNESSES (No specialized lay opinion witness offering scientific, technical, or other specialized knowledge will be permitted to testify at trial unless listed below. A summary of an expert witness's qualifications and a copy of his/her report must be provided to the Court. No opposing counsel shall be permitted to question the expert's qualifications unless the basis of an objection is set forth herein).

- A. Plaintiff's expert witnesses and/or specialized lay opinion witnesses are:
- B. Defendant's objections to the qualifications of plaintiff's experts and/or specialized lay opinion witnesses are (the objections shall be stated with respect to each expert or lay witness; if none, so state):
- C. Defendant's expert witnesses and/or specialized lay opinion witnesses are:
- D. Plaintiff's objections to the qualifications of defendant's experts and/or specialized lay opinion witnesses are (the objections shall be stated with respect to each expert or lay witness; if none, so state):

DEPOSITIONS (List, by page and line, all deposition testimony to be offered into evidence and any counter-designations to such testimony. All irrelevant and redundant matters and all colloquy between counsel must be eliminated. Deposition testimony to be used solely for impeachment purposes need not be listed.)

A. Plaintiff:

B. Defendant:

EXHIBITS AND OBJECTIONS

In this section of the Final Pretrial Order, counsel shall list and number each proposed exhibit. Counsel shall meet and confer on any joint exhibits and upon receipt of the exhibit list of an adversary, opposing counsel should identify any objection and the nature of the objection. The exhibits shall be identified specifically (*e.g.*, by Bates Numbers) in order to enable opposing counsel to know exactly what pages comprise the exhibit. Absent an extraordinary showing of good cause, **ONLY THE EXHIBITS LISTED BELOW SHALL BE INTRODUCED AT THE TIME OF TRIAL.** Any objection to an exhibit, and the reason for said objection, must be set forth below or it shall be deemed waived. All parties hereby agree that it will not be necessary to bring in the custodian of any exhibit, unless opposing counsel makes such requirement clear below. You are not required to list exhibits that will be used solely for impeachment purposes.

Counsel are reminded that each such exhibit shall be physically pre-marked corresponding to the designation below. Copies of exhibit lists shall be provided to the District Judge and the assigned court reporter prior to the time of trial.

A. Joint Exhibits (Use the following format. Exhibit Lists May Be Attached As An Appendix To This Order.)

Ex. No.	Description of Exhibit

B. Plaintiff's Exhibits

Ex. No.	Description of Exhibit	Objection (Rule #) and Basis

C. Defendant's Exhibits

Ex. No.	Description of Exhibit	Objection (Rule #) and Basis

NON-JURY TRIALS

Except as otherwise directed by the Court, the following submissions shall be made:

A. No later than fourteen (14) days before trial, each party shall file with the Court a trial brief conforming to the form and page limitations set forth in Local Civil Rule 7.2, which shall address disputed legal and evidentiary issues. Failure to submit a brief or to address an issue may in the Court's discretion be deemed a waiver of the right to assert the omitted issue.

B. Within the time directed by the Court [before/after] trial, each party shall submit to the trial judge and to opposing counsel proposed Findings of Fact and Conclusions of Law, which shall contain citations to the trial transcript and exhibits.

JURY TRIALS

Except as otherwise directed by the Court, the following submissions shall be made:

Not later than _____

A. Each party shall file with the Court a trial brief conforming to the form and page limitations set forth in Local Civil Rule 7.2, which shall address disputed legal and evidentiary issues (except those otherwise addressed in motions in limine). Failure to submit a brief or to address an issue may in the Court's discretion be deemed a waiver of the right to assert the omitted issue.

B. Each party shall submit to the trial judge and opposing counsel agreed-upon jury instructions, voir dire questions, verdict sheet and a neutral statement of the case to be read to the jury panel.

C. Each party shall submit to the trial judge and opposing counsel written requests for charges to the jury. Supplemental proposed charges may be submitted prior to argument to the jury. All requests for charge shall be on a separate page or pages, plainly marked with the name and number of the case; shall contain citations of supporting authorities; shall designate the party submitting same; and shall be numbered in sequence.

BIFURCATION (If any party intends to request phasing, bifurcation, or other such procedure concerning the trial, that party shall include any such request here and explain the basis for the request).

ESTIMATED LENGTH OF TRIAL

_____ days for liability and _____ days for damages.

TRIAL DATE _____

TRIAL COUNSEL (List the names of trial counsel for all parties.)

NOTE THAT THE TRIAL JUDGE MAY, BY SEPARATE ORDER, MODIFY OR SET DEADLINES FOR PRETRIAL SUBMISSIONS, INCLUDING MOTIONS IN LIMINE, TRIAL BRIEFS AND PROPOSED JURY CHARGES. FURTHER, THE TRIAL JUDGE MAY CONDUCT AN ADDITIONAL PRETRIAL CONFERENCE.

AMENDMENTS TO THIS PRETRIAL ORDER SHALL NOT BE PERMITTED UNLESS THE COURT DETERMINES THAT MANIFEST INJUSTICE WOULD RESULT IF THE AMENDMENT IS DISALLOWED.

(Attorney for Plaintiff)

(Attorney for Defendant)

, U.S.M.J.

Dated: