

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
DISTRICT OF NEW JERSEY

	:	
	:	Hon. Claire C. Cecchi
Plaintiff,	:	
	:	
-v-	:	
	:	
	:	Civil Action No.
	:	
Defendant.	:	FINAL PRETRIAL ORDER

This matter having come before the Court for a pretrial conference pursuant to Fed.R.Civ.P. 16; _____ having appeared for plaintiff(s) and _____ having appeared for defendant(s); and counsel all having been notified that:

(1) a _____ trial in this matter has been scheduled before Hon. Claire C. Cecchi on _____;

(2) the pretrial submissions detailed in ¶¶ 2, 18 and 19 below are to be submitted no later than **two (2) weeks prior to trial** or they will be deemed waived; and

(3) a pretrial housekeeping conference is scheduled before Hon. Claire C. Cecchi on _____;

the following Final Pretrial Order is hereby entered:

1. JURISDICTION (Set forth specifically)
2. PENDING/CONTEMPLATED MOTIONS/TRIAL BRIEFS (Set forth all pending or

contemplated motions, whether dispositive or addressed to discovery or the calendar. Also set forth the nature of the motion and the return date. If the Court indicated that it would rule on any matter at pretrial, summarize that matter and each party's position. **NOTE: ALL REMAINING PRE-TRIAL MOTIONS INCLUDING DAUBERT AND IN LIMINE MOTIONS SHALL BE FULLY BRIEFED AND FILED NO LATER THAN TWO WEEKS PRIOR TO TRIAL.** Only those motions listed herein will be entertained prior to trial.)

3. STIPULATION OF FACTS (Set forth in narrative form a comprehensive listing of all uncontested facts, including all answers to interrogatories and admissions, to which there is agreement among the parties.)

4. JUDICIAL NOTICE

A. Plaintiff requests that the Court take judicial notice of the following facts:

B. Defendant objects to the taking of judicial notice for the following reasons:

5. JUDICIAL NOTICE

A. Defendant requests that the Court take judicial notice of the following facts:

B. Plaintiff objects to the taking of judicial notice for the following reasons:

6. PLAINTIFF'S CONTESTED FACTS (Stated separately for each defendant. Proof shall be limited at trial to the matters set forth below. Failure to set forth any matter shall be deemed a waiver thereof.)

A. Plaintiff intends to prove the following contested facts with regard to liability:

B. Plaintiff intends to prove the following contested facts with regard to damages:
(This must include each item of damages, the amount of each item, the factual basis for each item and, if punitive damages are claimed, the facts upon which plaintiff will rely to establish punitive damages.)

7. DEFENDANT'S CONTESTED FACTS (Stated separately for each plaintiff. Proof shall be limited at trial to the matters set forth below. Failure to set forth any matter shall be deemed a waiver thereof.)

A. Defendant intends to prove the following contested facts with regard to liability:

B. Defendant intends to prove the following contested facts with regard to damages:
(This statement must include the factual basis for each defense against plaintiff's claims for damages.)

8. PLAINTIFF'S WITNESSES (Aside from those called for impeachment purposes, only the witnesses whose names and addresses are listed below will be permitted to testify at trial.)

A. On liability plaintiff intends to call the following witnesses who will testify in accordance with the following summaries:

B. On damages plaintiff intends to call the following witnesses who will testify in accordance with the following summaries:

C. Defendant objects to the following witnesses for the reasons stated:

9. DEFENDANT'S WITNESSES (Aside from those called for impeachment purposes, only the witnesses whose names and addresses are listed below will be permitted to testify at trial.)

A. On liability defendant intends to call the following witnesses who will testify in accordance with the following summaries:

B. On damages defendant intends to call the following witnesses who will testify in accordance with the following summaries:

C. Plaintiff objects to the following witnesses for the reasons stated:

10. EXPERT AND SPECIALIZED LAY OPINION WITNESSES (No expert or specialized lay opinion witness offering scientific, technical or other specialized knowledge will be permitted to testify at trial unless listed below. A summary of the expert's qualifications and a copy of his/her report must be provided for the Court's review at the pretrial conference. Said summary shall be read into the record at the time he/she takes the stand, and no opposing counsel shall be permitted to question his/her qualifications unless the basis of the objection is set forth herein.)

A. Plaintiff's expert and specialized lay opinion witnesses are:

B. Defendant's objections to the qualifications of plaintiff's experts and specialized lay opinion witnesses are:

C. Defendant's expert and specialized lay opinion witnesses are:

D. Plaintiff's objections to the qualifications of defendant's experts and specialized lay opinion witnesses are:

11. PLAINTIFF'S DEPOSITIONS (List, by page and line, all deposition testimony to be offered into evidence. All irrelevant and redundant matters and all colloquy between counsel must be eliminated, unless ruled relevant. Deposition testimony to be used solely for impeachment purposes need not be listed.)

- A. On liability plaintiff intends to read into evidence the following:
- B. On damages plaintiff intends to read into evidence the following:
- C. Defendant objects to the deposition testimony set forth above for the reasons stated:

12. DEFENDANT’S DEPOSITIONS (List, by page and line, all deposition testimony to be offered into evidence. All irrelevant and redundant matters and all colloquy between counsel must be eliminated, unless ruled relevant. Deposition testimony to be used solely for impeachment purposes need not be listed.)

- A. On liability defendant intends to read into evidence the following:
- B. On damages defendant intends to read into evidence the following:
- C. Plaintiff objects to the deposition testimony set forth above for the reasons stated:

13. PLAINTIFF’S EXHIBITS (Except for exhibits the need for which could not reasonably have been foreseen or which are used solely for impeachment purposes, only the exhibits set forth on the exhibit list attached hereto may be introduced at 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 as to which no such objection is made.)

A. Plaintiff intends to introduce into evidence the exhibits listed on the attached exhibit list (list by number with a description of each exhibit):

B. Defendant objects to the introduction of plaintiff’s exhibits (set forth number of exhibit and grounds for objection):

14. DEFENDANT’S EXHIBITS (Except for exhibits the need for which could not reasonably have been foreseen or which are used solely for impeachment purposes, only the exhibits set forth on the exhibit list attached hereto may be introduced at 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 as to which no such objection is made.)

A. Defendant intends to introduce into evidence the exhibits listed on the attached exhibit list (list by number with a description of each exhibit):

B. Plaintiff objects to the introduction of defendant’s exhibits (set forth number of exhibit and grounds for objection):

(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.)

15. PLAINTIFF'S LEGAL ISSUES

16. DEFENDANT'S LEGAL ISSUES

17. MISCELLANEOUS

Set forth any other matters which require action by, or should be brought to the attention of, the Court.

18. JURY TRIALS - the following should be submitted to the Court **no later than two (2) weeks prior to trial:**

A. Each side shall submit to the Judge and to opposing counsel a trial brief or memorandum in accordance with Local Civil Rule 7.2, with citations to authorities and arguments in support of its position on all disputed issues of law.

B. The parties shall confer and agree upon jury instructions and submit them to the Court with supporting authorities in electronic format.

C. If any hypothetical questions are to be put to an expert witness on direct examination, these shall be submitted to the Judge and to opposing counsel.

D. Counsel will be provided with the Court's standard voir dire questions. The parties may be permitted to submit additional proposed voir dire questions.

E. Counsel shall jointly submit to the Court a single proposed special verdict sheet in electronic format.

F. The parties shall prepare a joint trial exhibit list containing a description of all exhibits that is divided into two sections. The first section will identify the exhibits for which no objection has been raised, and the second section shall list those exhibits for which one of the parties has made an objection. The exhibits themselves are to be premarked and must include exhibit stickers. The parties must prepare a copy of all exhibits that they expect to use at trial for the Judge, Court reporter, and opposing counsel.

19. NON-JURY TRIALS

I. The following shall be submitted to the Court no later than **two (2) weeks prior to trial:**

A. Each side shall submit to the Judge and opposing counsel a trial brief or memorandum in accordance with Local Civil Rule 7.2 with citation to authorities and arguments in support of its position on all disputed issues of law.

B. If any hypothetical questions are to be put to an expert witness on direct examination, they shall be submitted to the Judge and opposing counsel.

C. The parties shall prepare a joint trial exhibit list containing a description of all exhibits that is divided into two sections. The first section will identify the exhibits for which no objection has been raised, and the second section shall list those exhibits for which one of the parties has made an objection. The exhibits themselves are to be premarked and must include exhibit stickers. The parties must prepare a copy of all exhibits that they expect to use at trial for the Judge, Court reporter, and opposing counsel.

II. The following shall be submitted pursuant to a schedule to be set by the Court **after trial:**

A. Each party shall provide the Court and opposing counsel with a copy of its proposed findings of fact and conclusions of law in electronic format.

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

21. BIFURCATION (Where appropriate, the issues relating to liability shall be severed and tried to verdict. Thereafter, all issues relating to damages shall be tried. The issues of liability and damages SHALL/SHALL NOT be tried separately.)

22. ESTIMATED LENGTH OF TRIAL

____ days for liability and ____ days for damages.

AMENDMENTS TO THIS PRETRIAL ORDER WILL NOT BE PERMITTED UNLESS THE COURT DETERMINES THAT MANIFEST INJUSTICE WOULD RESULT IF THE AMENDMENT IS DISALLOWED. THE COURT MAY FROM TIME TO TIME SCHEDULE CONFERENCES AS MAY BE REQUIRED EITHER ON ITS OWN MOTION OR AT THE REQUEST OF COUNSEL.

(Attorney for Plaintiff)

(Attorney for Defendant)

Dated:

XXXXXX XXXXXX
United States Magistrate Judge

(EXHIBIT LIST FOLLOWS)