

UNITED STATES DISTRICT COURT FOR THE
Northern DISTRICT OF OKLAHOMA
U.S. DISTRICT JUDGE JAMES H. PAYNE
Proposed Form of Pretrial Order

(Style of Case)

(Case Number)

PRETRIAL ORDER

Following pretrial conference held before the court, IT IS SO ORDERED: (State date of pretrial and appearance of attorneys)

- I. This is an action for: (Here specifically identify each cause of action and the defenses to each. Affirmative defenses must be listed separately. Designate the parties and set forth a factual basis for each cause of action.) Parties may not submit separate statements of the case.
- II. Remedies: (List all remedies sought for each cause of action. If damages are sought, itemize each element of damages with the corresponding dollar amounts.)
- III. Federal jurisdiction is invoked upon the ground: (Here list the legal authority for jurisdiction and a concise statement of the facts requisite to confer federal jurisdiction.)
- IV. The following facts, and issues of law, are admitted and require no proof: Here list each admitted fact, including jurisdictional facts, or issues of law.(Stipulate in writing to as many facts and issues of law as possible. The parties shall furnish the court a separate copy of the stipulations at the pretrial conference. The stipulations will be read to the jury by the court prior to the first witness being called.)
- V. The reservations as to the facts recited in Paragraph IV are as follows:(Here set forth any objection reserved by any party as to the admissibility in evidence of any issue of fact as provided by Rule 36(b) of the Federal Rules of Civil Procedure.
- VI. The following facts, though not admitted, are not to be contested at the trial by evidence to the contrary: (Here list each.)
- VII. The parties agree the following issues of fact, and no others, remain to be litigated upon the trial: (Here specify each; a mere general statement will not suffice.)
- VIII. This section shall include a separate exhibit list for each party. **Exhibits shall be specifically identified as follows: (1) all records, including medical records, shall be identified, including the name of the provider and date(s) of service; (2) manuals and handbooks shall be listed by title and individual section(s) to be used at trial shall be designated and identified by page number(s); (3) drawings, maps, diagrams, studies and charts shall be identified by date and author of said document and exchanged prior to the pretrial conference; and (4) any videos, including video depositions, shall be identified by date and subject of video and shall designate if audio is contained in video. Any objections contained in the video deposition, or to the audio portion of a video, shall be identified in the pretrial order and a transcript provided to the court at the pretrial conference sufficient for the court to rule on said objections prior to trial. If the objection is to the introduction of the entire video, the party seeking exclusion shall provide said video to the court at the pretrial conference.**

Exhibit list shall not include: (1) items, or documents intended to be used solely for impeachment or rebuttal purposes; (2) Expert curriculum vitae or expert reports; (3) depositions; (4) demonstrative aids.

Each exhibit list should be broken down into two columns. On the left side, each exhibit should be listed separately (no subheadings) in the sequence proposed to

be offered, with a description of each sufficient for identification. Do not refer the court to the pleadings. The column on the right should state the corresponding objection to each exhibit, if any. The objection must also contain the applicable Federal Rule upon which it is based. **All exhibits and documents to be introduced at trial shall have been furnished to opposing counsel prior to the pretrial conference. There shall be no objections contained in the pretrial order indicating the exhibits have not been exchanged.** Without appropriate notice and disclosure, and immediate written application to the court for permission to supplement, proffered late exhibits will not be ordered listed or admitted, except to avoid manifest injustice.

- IX. The following witnesses will be called: (Here list specifically all witnesses that will be called by the parties, including opponent's witnesses you intend to call. Include a concise paragraph summarizing the nature of their testimony. Testimony on other subjects will not be allowed. Do not refer the court to the pleadings, to depositions previously taken, or to witnesses listed by opposing counsel.) **WITNESSES NOT SO LISTED WILL NOT BE ALLOWED TO BE CALLED TO TESTIFY, EXCEPT BY ORDER OF THE COURT AND IN THE INTEREST OF JUSTICE.**
- X. **ALL** discovery shall be completed by (date set by the court at status and scheduling conference).
- XI. Indicate all pending motions and the corresponding dates of filing.
- XII. The parties agree the following issues of law, and no others, remain to be litigated upon the trial: (Here set forth a concise statement of each. Disregard the effects of any pending motions.) Parties may not submit separate issues of law. **Identify any pending motions which encompass and correspond to an issue of law.**
- XIII. The possibility of settlement of this case has been explored with the following results: (Here set forth whether the case probably will be settled, may be settled, or there is no possibility of settlement.)
- XIV. The foregoing admissions having been made by the parties, and the parties having specified the foregoing issues of fact and law remaining to be litigated, this order shall supersede the pleadings and govern the course of the trial of this cause, unless modified to prevent manifest injustice. Rule 16, Federal Rules of Civil Procedure.

Dated this _____ day of _____, 20_____.

JAMES H. PAYNE
U.S. DISTRICT JUDGE

Approved as to form and content:

Attorney for Plaintiff(s)

Attorney for Defendant(s)