

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

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.)**
- 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. 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.)**
- IX. Indicate all pending motions and the corresponding dates of filing.
- X. Exhibits. **This section shall include a separate exhibit list for each party. Each exhibit list should be broken down into two columns. On the left side, each exhibit should be listed separately in the sequence proposed to be offered. 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. The exhibits must be described with specificity. The exhibit list shall not include the following: (1) expert curriculum vitae or expert reports; (2) depositions; (3) demonstrative aids; (4) pleadings; (5) references to the opposing party's exhibits; or (6) rebuttal evidence. Counsel should work together to resolve any issues relating to the authenticity of exhibits. 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.

All exhibits and documents to be introduced at trial shall have been furnished to opposing counsel prior to the completion of the proposed pretrial order. There shall be no objections contained in the pretrial order indicating the exhibits have not been exchanged.

- XI. Witnesses. The following witnesses will be called: **(Here list with specificity the names of all witnesses that will be called by the parties, *including opponent's witnesses* you intend to call. Witness descriptions such as “records custodians,” “corporate representatives,” and “rebuttal witnesses” are improper and shall not be included on the list. Include a concise paragraph summarizing the nature of their testimony. Testimony on other subjects will not be allowed. Do not refer the Court to pleadings, to depositions previously taken, to expert reports, 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.)**
- XII. 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.)**
- XIII. Estimated time for trial.
- 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 _____ 202_.

MARK T. STEELE, MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

Approved as to form and content:

Attorney for Plaintiff(s)

Attorney for Defendant(s)