

**IN THE 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 ORDERED: (State date of pretrial and appearance of attorneys)

- I. **This is an action for:** (This joint statement of the case should include the nature of the action, designate the parties, and identify each cause of action, affirmative defense, and all counterclaims and cross claims. Parties may not submit separate statements of the case.)
- II. **Relief sought:** (Set forth an itemization of damages and list other relief sought).
- III. **Federal jurisdiction is invoked upon the ground:** (List the legal authority for jurisdiction and a concise statements of the facts requisite to confer federal jurisdiction.)
- IV. **The following facts are admitted and require no proof:** (List each admitted fact, including jurisdictional facts.)
- V. **The following facts, though not admitted, are not to be contested at trial by evidence to the contrary:** (List each.)
- VI. **The following issues of fact, and no others, remain to be litigated upon the trial:** (List each with specificity. A mere general statement will not suffice.)
- VII. **The following issues of law, and no others, remain to be litigated upon the trial:** (Set forth a concise statement of each.)

VIII. Exhibits:

This section may include a list of joint exhibits, and shall otherwise include a separate exhibit list for each party. The exhibit lists 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, or (5) pleadings.

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 sufficient for identification. 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 shall be furnished to opposing counsel prior to the pretrial conference. Late exhibits shall not be admitted without appropriate notice and disclosure, immediate written application for permission to supplement, and to avoid manifest injustice.

IX. The following primary witnesses will be called: (List all witnesses that will be called by the parties in their case-in-chief with a concise statement as to that to which each will testify. Testimony regarding other subjects will not be permitted. Additional primary witnesses will not be allowed to be called to testify, except by Order of the court and in the interest of justice.)

X. The following secondary witnesses might be called: (List all of the witnesses that the parties do not expect to call, but wish to reserve their right to call for rebuttal or other unexpected purposes. Include a concise statement as to that to which each can testify. Testimony regarding other subjects will not be permitted. Additional secondary witnesses will not be allowed to be called to testify, except by Order of the court and in the interest of justice.)

XI. The case management conference limitations are: (Set forth any limitations agreed upon or ordered by the court at or after the case management conference, such as a time limit on the

length of trial, limitations on the number of expert or other witnesses a party may call, the use of expert narratives and the length thereof, the time allowed for cross and redirect examination of experts called by narrative, limitations on the length of video depositions, time allowances for attorney *voir dire* (if any), and time limits for opening statements.)

XII. The possibility of settlement of this case has been explored with the following results:
(Set forth whether the case probably will be settled, may be settled, or there is no possibility of settlement).

XIII. The parties estimate the total trial time to be _____ days.

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 be prevent manifest injustice.

DATED this ____ day of _____, 20__.