

U.S. MAGISTRATE JUDGE D. EDWARD SNOW
Proposed Form of Pretrial Order

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

(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: (State the nature of action, designate the parties, set forth a factual basis and identify with particularity the causes of action and the defenses to each cause of action. Affirmative defenses must be listed separately.)
- 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: (List the legal authority for jurisdiction and a concise statement 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. Stipulate in writing to as many facts and issues as possible. State whether or not the admitted fact must be made known to the jury and, if so, which party is to prepare and circulate a stipulation to be read to the jury. Parties may not submit separate lists of admitted facts.)
- V. The reservations as to the facts recited in Paragraph IV are as follows: (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: (List each such fact with specificity.)
- VII. The parties agree the following issues of fact, and no others, remain to be litigated upon the trial: (Specify each disputed fact. 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: (Set forth a concise statement of each such issue. Disregard the effects of any pending motions. Parties may not submit separate issues of law.)
- IX. Exhibit Lists: (This section should 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 (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 and within the time specified by the Scheduling Order entered in the case. 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.)
- X. Witness Lists: (This section should specifically list all witnesses that will or might be called by the parties, including opponent's witnesses you intend to call and include a statement of 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.**
- XI. ALL discovery shall be completed by: (Set forth the date for completion of discovery allowed by the Scheduling Order entered in the case or, if the parties have agreed to discovery outside of that date, the completion date agreed upon.)
- XII. The following motions are pending in this case: (Set forth all pending motions, the corresponding dates of filing and whether the motions are at issue.)
- XIII. 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 has 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____.

Approved as to form and content:

Attorney for Plaintiff(s)

Attorney for Defendant(s)

D. EDWARD SNOW
United States Magistrate Judge