

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

FORM OF PRETRIAL ORDER

(Style of Case)

(Case Number)

**PRETRIAL ORDER**

Following pretrial conference held before the Court, IT IS ORDERED:

- I. This is an action for: **(This joint statement of the case should include the nature of action, designate the parties and list the pleadings which raise the issues.)**
- II. Federal jurisdiction is invoked upon the ground: **(Here list the legal authority for jurisdiction and concise statement of the facts requisite to confer federal jurisdiction.)**
- III. The following facts are admitted and require no proof: **(Here list each admitted fact, including jurisdictional facts.)**
- IV. The reservations as to the facts recited in Paragraph III are as follows: **(Here set forth any objection reserved by any party as to the admissibility in evidence of any admitted fact and, if desired by any party, limiting the effect of any issue of fact as provided by Rule 36(b) of the Federal Rules of Civil Procedure, or Admiralty Rule 32(B)(b) as the case may be.)**
- V. The following facts, though not admitted, are not to be contested at the trial by evidence to the contrary: **(Here list each.)**
- VI. The case management conference limitations are: **(Here 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.)**
- VII. The following issues of law, and no others, remain to be litigated upon the trial: **(Here set forth a concise statement of each. Attorneys are expected to discuss and agree on which legal issues remain. If agreement cannot be reached after a good faith effort, set out each version in one Pretrial Order.)**
- VIII. 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. Attorneys are expected to discuss and agree on which fact issues remain. If agreement cannot be reached after**

**a good faith effort, set out each version in one Pretrial Order.)**

- IX. The exhibits to be offered at the trial together with a statement of all admissions by and all issues between the parties with respect thereto are as follows:
- a. The parties must jointly prepare and present a Joint Exhibit List which have been agreed upon by both parties as being pre-admitted exhibits at trial **(Exhibits on the Joint Exhibit List should not be listed on the Party Exhibit List);**
  - b. Each party may serve and present its own Party Exhibit List;  
**(Here list all documents and things intended to be offered at the trial by each party, other than those to be used for impeachment, with a description of each sufficient for identification, and a statement of all admissions by and all issues between any of the parties as to the genuineness thereof, and the truth of relevant matters of fact set forth therein or in any legend affixed thereto, together with a statement of objections reserved as to the admissibility in evidence thereof.)**
  - c. All items on the Joint Exhibit List shall be pre-admitted;
  - d. Any items from a Party Exhibit List which are not objected to shall be pre-admitted;
  - e. Any item from a Party Exhibit List where an objection has been overruled shall be pre-admitted;
  - f. Any item from a Party Exhibit List where an objection has been sustained will be excluded and shall not be pre-admitted;
  - g. The parties' presentation of exhibits at trial will be limited to those exhibits contained in the Joint Exhibit List and each Parties' Exhibit List;
  - h. Notwithstanding the foregoing, and to assuage the parties' concerns that something vital might be overlooked as a part of this practice, if a party inadvertently omits a relevant document from its Party Exhibit List, it may move to admit the omitted document into evidence at trial until the close of evidence upon a showing of good cause.
- X. The following primary witnesses will be called: **(Here 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. Additional primary witnesses will not be allowed to be called to testify, except by order of the court and in the interest of justice.)**
- XI. The following secondary witnesses might be called: **(Here list all 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. Additional secondary witnesses 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. 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.

XIV. The parties anticipate the estimated total trial time to be \_\_\_\_\_ days.