

Appendix A to Local Rules**

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PRETRIAL FORM NO. 1

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

(TITLE OF CASE))	CASE NO. _____
)	
)	FINAL PRETRIAL
)	CONFERENCE ORDER
)	
)	
_____)	

Following pretrial proceedings, pursuant to Rule 16, F.R.Civ.P. and L.R. 16, IT IS ORDERED:

1. The parties are: [list]

** (Appendix "A" amended, effective 12/1/06)

Each of these parties has been served and has appeared. All other parties named in the pleadings and not identified in the preceding paragraph are now dismissed.

The pleadings which raise the issues are: [list]

2. Federal jurisdiction and venue are invoked upon the grounds: [Give a concise statement of facts necessary to confer federal jurisdiction and venue. State whether the facts requisite to federal jurisdiction are denied or admitted.]

3. The trial is estimated to take _____ trial days. [Where counsel cannot agree set forth each side's estimate.]

4. The trial is to be a jury (non-jury) trial.

[If a jury trial add: At least five (5) court days prior to the trial date each party shall file and serve by e-mail, fax, or personal delivery: (a) proposed jury instructions as required by L.R. 51-1 and (b) any special questions requested to be asked on voir dire.]

[If a non-jury trial add: At least five (5) court days prior to the trial date each party shall lodge and serve by e-mail, fax, or personal delivery the findings of fact and conclusions of law the party expects the Court to make upon proof at the time of trial as required by L.R. 52-1.]

5. The following facts are admitted and require no proof: [list admitted facts]

6. The following facts, though stipulated, shall be without prejudice to any evidentiary objection: [list facts not to be contested though not admitted]

7. [This section of the Final Pretrial Conference Order is intended to finalize, in advance of trial, the claims and defenses to be presented at trial. In accordance with F.R.Civ.P. 16(c), parties will be precluded from presenting claims or defenses not set forth in this order, in the manner required by this order, unless the order is modified to prevent manifest injustice. Only claims or defenses contained in the complaint and answer and any court authorized amendment or supplement may be included in this Final Pretrial Conference Order. If a party chooses to abandon a claim or defense previously alleged, it may do so by not including it in this order, and the failure to include any pleaded claim or defense will be deemed to effect such a waiver. The following format must be employed:]

Plaintiff(s):

(a) Plaintiff plans to pursue the following claims against the following defendants:

[Here list claims in summary fashion, for example:

Claim 1: Defendant A breached his contract with Plaintiff;

Claim 2: Defendant A violated the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

(b) The elements required to establish Plaintiff's claims are: [List the elements separately for each claim, as found in standard jury instructions or case law. The parties should strive to agree on the elements. If the parties cannot agree on an element, then each party may state its version of the elements.]

(c) In brief, the key evidence Plaintiff relies on for each of the claims is: [List separately for each element of each claim.]

Defendant(s):

(a) Defendant plans to pursue the following counterclaims and affirmative defenses: [Insofar as defenses are concerned, Defendant should identify only *affirmative* defenses, which are those matters on which the Defendant bears the burden of proof. They are matters which would defeat Plaintiff's claim even if Plaintiff established the elements of the claim. Examples of such affirmative defenses – which must have been pleaded in Defendant's Answer – appear in F.R.Civ.P. 8(c). Insofar as counterclaims are concerned, Defendant should follow the same format as Plaintiff in listing claims.]

(b) The elements required to establish Defendant's counterclaims and affirmative defenses are: [List the elements separately for each counterclaim or affirmative defense as found in standard jury instructions or case law. The parties should strive to agree on the elements. If the parties cannot agree on an element, then each party may state its version of the elements.]

(c) In brief, the key evidence Defendant relies on for each counterclaim and affirmative defense is: [List separately for each element of each counterclaim or defense.]

Third Party Plaintiffs and Defendants:

[Claims and defenses in third-party cases should be analyzed and set forth in the same way as those of plaintiffs and defendants. Separate proposed pretrial conference orders will not be accepted.]

8. In view of the admitted facts and the elements required to establish the claims, counterclaims and affirmative defenses, the following issues remain to be tried: [list ultimate issues, not evidentiary issues]

9. All discovery is complete.

10. All disclosures under F.R.Civ.P. 26(a)(3) have been made.

The joint exhibit list of the parties has been filed under separate cover as required by L.R. 16-6.1. Unless all parties agree that an exhibit shall be withdrawn, all exhibits will be admitted without objection at trial, except those exhibits listed below:

Plaintiff objects to Exhibit Nos. _____.

Defendant objects to Exhibit Nos. _____.

The objections and grounds therefor are: [list exhibit and grounds for objections separately as to each exhibit]

11. Witness lists of the parties have been filed with the Court.

Only the witnesses identified in the lists will be permitted to testify (other than solely for impeachment).

Each party intending to present evidence by way of deposition testimony has marked such depositions in accordance with L.R. 16-2.7. For this purpose, the following depositions shall be lodged with the Clerk as required by L.R. 32-1: [list]

[if appropriate:] Plaintiff (Defendant) objects to the presentation of testimony by deposition of the following witnesses:

12. The following law and motion matters and motions in limine, and no others, are pending or contemplated: [state "none" or list]

13. Bifurcation of the following issues for trial is ordered. [State “none” or identify those issues to be tried during the first stage of the trial and those to be tried later.]

14. The foregoing admissions having been made by the parties, and the parties having specified the foregoing issues remaining to be litigated, this Final Pretrial Conference Order shall supersede the pleadings and govern the course of the trial of this cause, unless modified to prevent manifest injustice.

Dated: _____, 20_____.

UNITED STATES DISTRICT JUDGE

Approved as to form and content.

Attorney for Plaintiff

Attorney for Defendant

Attorney for (indicate party represented)