

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

)	
)	
Plaintiff,)	
)	
)	
vs.)	No.
)	
)	
Defendant.)	

FINAL PRETRIAL ORDER

This matter is before the Court at a Final Pretrial Conference held pursuant to Rule 16 of the Federal Rules of Civil Procedure:

I. IDENTIFICATION OF COUNSEL

A. COUNSEL FOR PLAINTIFF(S):

(Insert name, address, and telephone number)

B. COUNSEL FOR DEFENDANT(S):

(Insert name, address, and telephone number)

II. AGREED STATEMENT OF THE CASE

The parties should prepare a brief statement of the nature of the case including the claims of the parties (personal injury, Federal Tort claim, breach of contract, etc.). The principal purpose of this statement is to assist the Court in explaining the case to prospective jurors.

III. JURISDICTION

A. This is an action for:

(State the remedy sought, such as damages, injunctive, or declaratory relief).

B. The jurisdiction of the Court is not disputed (or is disputed).

1. If not disputed, state the statutory, constitutional, or other basis of jurisdiction.
2. If disputed, the basis on which jurisdiction is contested.

IV. UNCONTROVERTED FACTS

The following facts are not disputed or have been agreed to or stipulated to by the parties:

(This section should contain a comprehensive statement of facts which will become a part of the evidentiary record in the case and which, in jury trials, may be read to the jury).

V. ISSUES OF LAW

- A. An agreed statement of the issues to be decided by the Court.
- B. A statement of any disputed issues of law (this refers to any issues or defenses the parties cannot agree were pleaded or cannot agree have been resolved by the Court).

VI. WITNESSES

The parties shall prepare and append to the Final Pretrial Order Witness Lists, which shall be on separate schedules.

- A. The parties shall prepare and append to the Final Pretrial Order Witness Lists, which shall be on separate schedules identified on Exhibits A and B of this form. Witness Lists shall contain the style of the case; the name and city where the witness resides or is employed (unless there is an appropriate security concern); whether the witness is being presented as an adverse or expert witness; and whether there is any objection to the witness testifying.
- B. If there are any third parties to the action, they should include an identical list of witnesses as those on Exhibits A and B above.
- C. Rebuttal witnesses may be called by any party, as necessary, without prior notice thereof to the other party.
- D. If there are any objections to any testimony contained in depositions that are anticipated to be used at trial in lieu of live testimony, the deposition shall be submitted at the Final Pretrial Conference. The

objections upon which the parties expect the Court to rule shall be highlighted.

VII. EXHIBITS

- A. The parties shall prepare and append to the Final Pretrial Order Exhibit Lists, which shall be on separate schedules identified as Exhibits C, D and E of this form. Exhibit C shall be used to identify Joint Exhibits. The plaintiff should identify exhibits on Exhibit D. The defendant should identify exhibits on Exhibit E. Exhibit Lists shall contain the style of the case, shall contain each party's numbered list of trial exhibits, other than impeachment exhibits, with objections, if any, to each exhibit, including a brief summary of the basis for the objection.
- B. If there are any third parties to the action, they should include an identical list of witnesses as those in parts A and B above.
- C. All parties shall list their exhibits in numerical order. **Do not use letters of the alphabet to enumerate exhibits.**
- D. Group exhibits are not favored. Counsel should be prepared to explain why a Group Exhibit is necessary.
- E. The burden for timely submission of a complete list is on the party using the exhibit. Each party shall submit a pre-marked copy of each exhibit for the Court's use at trial. The lists of exhibits shall be substantially in the form appended to this document.

VIII. DAMAGES

An itemized statement by the plaintiff of all damages, including special damages.

IX. BIFURCATED TRIAL

Indicate whether the parties desire a bifurcated trial and, if so, why.

X. PRETRIAL MOTIONS

List any pretrial motions the Court has not addressed.

XI. TRIAL BRIEFS

Trial briefs shall be filed with the Court at the Final Pretrial Conference on any difficult factual or evidentiary issue and shall set forth a party's theory of liability or defense.

XII. JURY INSTRUCTIONS

- A. All jury instructions should be double spaced and submitted in Bookman Old Style 16-point font. Margins should be 1" and tabs should be 1/2." The Court may request instructions be sent electronically to chambers.
- B. The timing for submission of all jury instructions shall be as directed by the Court and a copy delivered to opposing counsel.
- C. Jury instructions shall be numbered as either joint, plaintiff's or defendant's instruction at or near the bottom left of the page (do not use letters of the alphabet). Directly under the joint or party jury instruction number, there should be a designation of whether it is a pattern instruction (indicating the jurisdiction in which the pattern instruction was obtained), a modified pattern instruction, or provide other appropriate legal authority.
- D. On the right lower portion of the page, the instruction should contain a designation so the Court can mark at the instruction conference whether the instruction will be given, refused, withdrawn, or given as modified.
- E. In addition to the marked and cited version of the jury instructions, counsel must be prepared to submit a clean version of any instruction given.

XIII. TRIAL

- A. **Trial Date:** Trial of this cause is set for the week of _____.
- B. **Length of Trial:** The probable length of trial is ____ days.
- C. **Mark Appropriate Box:** JURY _____
 NONJURY _____
- D. **Number of Jurors:** [There shall be a minimum of six jurors.]
- E. **Jury Voir Dire:** The Court will conduct voir dire. If the parties have any voir dire questions to tender for consideration, they shall be submitted with the Final Pretrial Order.

XIV. LIMITATIONS, RESERVATIONS, AND OTHER MATTERS

List any other limitations, reservations, or matters that affect the proceedings.

IT IS SO ORDERED that the Final Pretrial Order may be modified before or at the trial of the action to prevent manifest injustice or for good cause shown. Such modification may be made wither on application of counsel for the parties or on a motion of the Court.

Respectfully submitted,

[Name of Lead Counsel]
Counsel for Plaintiff
[Mailing Address]
[Telephone Number to be contacted during trial]
[Email]

[Name of Lead Counsel]
Counsel for Defendant
[Mailing Address]
[Telephone Number to be contacted during trial]
[Email]

ENTERED: _____

KAREN L. McNAUGHT
UNITED STATES MAGISTRATE JUDGE

