

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
[INSERT] DIVISION**

[INSERT],)	
)	
[Plaintiff/Plaintiffs])	
v.)	
)	Case No.: [INSERT]
[INSERT],)	
)	
[Defendant/Defendants])	

PROPOSED PRETRIAL ORDER

A pretrial conference was held in the above case on (date). As a result, the following proceedings were held and action taken:

1. APPEARANCES. Appearing at the conference were:

[Include a line for each party in the case.]

2. JURISDICTION AND VENUE.

[List each statute, rule, or case authorizing the court's subject matter jurisdiction in this action. Also state whether personal jurisdiction and/or venue are contested.]

3. PARTIES AND TRIAL COUNSEL. The parties before the court and designated trial counsel are correctly named as set out below:

Parties:	Trial Counsel:
[Include a line for each party in the case.]	

4. PLEADINGS. The following pleadings have been allowed:

[List the pleadings in the order in which they were filed and allowed. Do not include pleadings that have been stricken or otherwise disallowed.]

5. STATEMENT OF THE CASE.

- a. Agreed Summary: [The agreed summary should be concise and appropriate for the court to use in advising the jury during *voir dire* regarding the basic nature of the case.]

- b. Stipulated Facts: [The parties shall set out in separate numbered paragraphs each fact on which the parties agree and on which no proof is required. In a jury trial, this section will be read to the jury, and the jury will be instructed to accept these facts as true.]
- c. Contested Issues of Fact: [In separately numbered paragraphs, list all factual issues in controversy that are necessary for a final determination of the case.]
- d. Agreed Applicable Propositions of Law: [List the basic principles of law that the parties agree are essential to a determination of the case; e.g., the elements of plaintiff's claim and defendant's defenses. These statements of law should be suitable for use by the court in preliminary instructions to the jury.]
- e. Plaintiff's Positions:
- f. Defendant's Positions:

6. DISCOVERY AND OTHER PRETRIAL PROCEDURES.

- a. All discovery was completed by (date), and no further discovery is required/ The parties are given leave to proceed with further discovery provided it is commenced in time to be completed by (date).
- b. The Standard Pretrial Procedures specified on Exhibit A are adopted as part of this order.
- c. Pending Motions: [In separately numbered paragraphs, list all pending motions or state that there are no motions pending.]
- d. Motions *in limine* shall be filed at least fourteen (14) days in advance of the scheduled trial date and shall be accompanied by supporting memoranda.

7. TRIAL (JURY CASE).

- a. Proposed *Voir Dire*: At least ten (10) business days prior to the scheduled trial date, the parties shall jointly submit any special questions or topics for *voir dire* examination of the jury venire in Word format to the court at england_chambers@alnd.uscourts.gov. Where the parties cannot agree, counsel shall identify the question as disputed in bold type and label it to show which party is requesting the disputed question. The court's civil *voir dire* template may be found on the court's website at <http://www.alnd.uscourts.gov/content/magistrate-judge-john-h-england-iii>, and counsel need not include the items covered by the court.

- b. Proposed Jury Charges: At least ten (10) business days prior to the scheduled trial date, the parties shall file a joint proposed jury charge, including all necessary instructions, or definitions, applicable to the specific issues of the case. The court's preliminary and standard instructions may be found on the court's website (<http://www.alnd.uscourts.gov/content/magistrate-judge-john-h-england-iii>) and need not be submitted to the court. Each requested instruction must be numbered with authority cited. Counsel are to include all necessary instructions or definitions, specifically including (1) the *prima facie* elements of each cause of action and defense asserted; (2) legal definitions required by the jury; (3) items of damages; and (4) methods of calculation of damages. Counsel are to use the 11th Circuit Pattern Jury Instructions, or appropriate state pattern jury instructions, as modified by case law or statutory amendments, wherever possible. Any deviations must be identified and accompanied by legal authority for the proposed deviation. Where the parties cannot agree, counsel shall identify the item as disputed in bold type and label it to show which party is requesting the disputed language. Accompanying each instruction shall be all authority or related materials upon which each party relies. A copy shall be emailed in Word format to chambers england_chambers@alnd.uscourts.gov.
- c. Verdict Forms or Interrogatories for Submission to the Jury: By the date set for trial, the parties shall file any requested verdict forms or interrogatories for submission to the jury. Copies shall be emailed in Word format to chambers at england_chambers@alnd.uscourts.gov.

8. ADVISORY FOR LIMITING PERSONAL AND/OR CONFIDENTIAL INFORMATION IN TRANSCRIPTS AND EXHIBITS.

The parties are required to follow the Court's Civil Administrative Procedures Manual (revised Feb. 2018).¹ If evidence introduced at trial includes personal information, sealed documents, or documents and/or information subject to a protective order, the parties are directed to comply with sections II.I. and IV.C. of the Administrative Procedures Manual. The foregoing also applies to the trial transcript, which will be public record. If private and/or confidential information is mentioned in court, compliance with the Administrative Procedures Manual may require testimony to be stricken or partially redacted.

9. FINAL PRETRIAL CONFERENCE. A final pretrial (telephone) conference is **SET** for (seven days before trial date) at (time).

¹ Available at: <http://www.alnd.uscourts.gov/sites/alnd/files/AL-N%20Civil%20Administrative%20Procedures%20Manual.Revision.02-2018.pdf>

10. TRIAL DATE. This case is **SET** for jury trial on (trial date) at (time) and is expected to last (number of days). The trial will occur in the United States District Courthouse, (address of courthouse where trial will occur).

DONE and **ORDERED** this ___ day of _____, _____.

U.S. MAGISTRATE JUDGE

EXHIBIT A TO PRETRIAL ORDER STANDARD PRETRIAL PROCEDURES

1. **DAMAGES.** **Thirty (30) calendar days prior to the date set for trial** a party claiming damages or seeking relief shall file a list itemizing all damages and equitable relief being claimed or sought, showing the amount and, where applicable, the method and basis of computation.

2. **WITNESSES.** Unless specifically agreed upon by the parties or allowed by the court for good cause shown, the parties shall be precluded from offering substantive evidence through any witness, including expert witnesses, not listed on the party's witness list, which shall be filed by no later than **thirty (30) days prior to trial**. The listing of a witness does not commit the party to have such witness available at trial or to call such witness to testify but does preclude the party from objecting to the presentation of such witness's testimony by another party. As to any witnesses shown on the witness list to be presented by deposition, within **fourteen (14) days after the filing** of such list, a party may file a list disclosing any objections to the use of such deposition testimony under Rule 32 or Rule 26(a)(3)(B). Any objections to deposition testimony should be accompanied by excerpts of deposition testimony to which the objection relates. Objections not disclosed, other than objections under Rules 402 and 403 of the Federal Rules of Evidence, shall be deemed waived unless excused by the court for good cause shown.

3. **EXHIBITS.** (a) Unless specifically agreed upon by the parties or allowed by the court for good cause shown, the parties shall be precluded from offering in evidence any exhibit not listed on the party's exhibit list, which shall be filed by no later than **thirty (30) days prior to trial**. As to any document or other exhibit, including summaries of other evidence shown on such exhibit list, within **fourteen (14) days after the filing** of such list, a party may serve and file a list disclosing any objection, together with the grounds, that may be made to the admissibility of materials identified on such list. Objections not so disclosed, other than objections under Rules 402 and 403 of the Federal Rules of Evidence, shall be deemed waived unless excused by the court for good cause shown. Except where beyond the party's control or otherwise impractical (e.g., records from an independent third-party being obtained by subpoena), each party shall make exhibits on the party's exhibit list available for inspection and copying.

(b) Each party who anticipates offering as substantive evidence as many as six exhibits shall premark such exhibits in advance of trial, using exhibit labels and exhibit lists available from the Clerk of Court. **Each party offering an exhibit shall also provide the courtroom deputy with an Adobe pdf formatted version of every exhibit offered at trial for inclusion in the electronic record.** By the time the case is scheduled for trial, a copy of the exhibit list with the premarked numbers shall be served and filed, with the exhibits being made available for inspection by opposing counsel; the presentation of evidence at trial shall not ordinarily be interrupted for opposing counsel to examine a document that has been so identified and made available for inspection.

4. **OBJECTIONS.** Objections to witness and/or exhibit lists shall be filed by no later than **fourteen (14) days prior to trial**.