

EXHIBIT C

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA**
Choose an item. **DIVISION**

Plaintiff(s),)
)
Choose an item.,)
)
v.) Case No.: Case Number.
)
Defendant(s),)
)
Choose an item..)

[SAMPLE/PROPOSED] PRETRIAL ORDER¹

A pretrial conference was held in this 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. If personal jurisdiction or venue is contested, briefly set out the relevant arguments.]

¹ This Sample Proposed Pretrial Order form may be accessed at www.alnd.uscourts.gov; Judge's Info, Magistrate Judges, Magistrate Judge Nicholas A. Danella, Civil Forms, Sample Proposed Pretrial Order.

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 (typically no more than three or four sentences) 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. The parties are reminded that the court expects them to approach this task in a good faith effort to agree on all relevant facts for which there is no reasonable basis for disagreement. 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 claims 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: [Insert brief statement, typically <1 page.]

f. Defendant's Positions: [Insert brief statement, typically <1 page.]

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. Pending Motions: [In separately numbered paragraphs, list all pending motions or state that there are no motions pending.]

7. SPECIAL MEDICAL PROVISIONS. [Where applicable.]

Counsel for all parties are granted the right to inspect and copy all hospital and medical reports relative to the medical care, treatment, diagnosis, condition, and history of (individual's name), as well as the right to interview (in person or otherwise) all physicians, administrators, and other personnel in connection therewith. Pursuant to HIPAA, a copy of this order shall constitute sufficient authority for such inspection, copying, or interview, and to authorize medical providers to supply such information and interviews.

8. THIS ORDER INCORPORATES THE REQUIREMENTS AND SCHEDULE IN THE COURT'S PRIOR "ORDER SETTING TRIAL DATE AND PRETRIAL SCHEDULE," INCLUDING EXHIBITS A & B TO THAT ORDER (DOC. ____, ENTERED ON ____).