

4. Undisputed Facts

The parties stipulate that the following facts are not in dispute:

[State the undisputed facts concisely and in separate, numbered paragraphs. If a party objects to the relevancy or materiality of any such stipulated fact, it must note the objection.]

5. Plaintiff's Contentions

a. Factual Contentions

[In jury cases, plaintiff shall summarize its factual contentions. In non-jury cases, plaintiff shall set forth each proposed finding of fact that it asks the Court to find, in separate, numbered paragraphs.]

b. Legal Contentions

[In jury cases, plaintiff shall summarize its legal contentions. In non-jury cases, plaintiff shall set forth each proposed conclusion of law that it asks the Court to draw, in separate, numbered paragraphs.]

6. Defendant's Contentions

a. Factual Contentions

[In jury cases, defendant shall summarize its factual contentions. In non-jury cases, defendant shall set forth each proposed finding of fact that it asks the Court to find, in separate, numbered paragraphs.]

b. Legal Contentions

[In jury cases, defendant shall summarize its legal contentions. In non-jury cases, defendant shall set forth each proposed conclusion of law that it asks the Court to draw, in separate, numbered paragraphs.]

7. Exhibits

The parties propose to offer the following exhibits at trial:

a. Plaintiff's Proposed Exhibits

[List by exhibit number, as numbered for trial.]

b. Defendant's Proposed Exhibits

[List by exhibit number, as numbered for trial (or letters, if defendant prefers to use letters).]

[All proposed exhibits must be listed. Exhibits not listed may not be offered at trial, even for impeachment purposes, absent good cause. If any party objects to a proposed exhibit, the objection should be noted, with a brief description of the objection (e.g., "authenticity," "hearsay," etc.). Any objections not listed are deemed waived.]

8. Witnesses

The parties may call the following witnesses on their direct case:

a. Plaintiff's Witnesses

[Identify each witness plaintiff anticipates calling on its direct case (including expert witnesses), and provide a brief summary of each witness's anticipated testimony.]

b. Defendant's Witnesses

[Identify each witness defendant anticipates calling on its direct case (including expert witnesses), and provide a brief summary of each witness's anticipated testimony.]

[Witnesses who are not listed may not be called at trial unless good cause is shown for not having listed the witness.]

9. Depositions

The parties may offer the following deposition testimony:

a. Plaintiff's Designations

[List name of deponent, date of deposition, and page and line numbers of the excerpts to be offered. All objections to the use of such testimony (or portions thereof) shall be noted by defendant, together with the basis of the objection.]

b. Defendant's Designations

[List name of deponent, date of deposition, and page and line numbers of the excerpts to be offered. All objections to the use of such testimony (or portions thereof) shall be noted by plaintiff, together with the basis of the objection.]

[If any party has any cross-designations, the cross-designations must be listed as well. The parties are not required to offer at trial any of the listed designations or cross-designations, but any deposition excerpts not listed may not be offered, absent good cause.]

10. Type of Trial

[State whether the case will be tried to a jury or to the Court. If a jury has been demanded but the right to a jury is contested, state by whom and on what grounds.]

11. Length of Trial

The parties estimate that the trial will take a total of ___ days, consisting of ___ days for plaintiff's case and ___ days for defendant's case.

12. Modification of Order

To prevent manifest injustice, or upon motion for good cause shown, the Court may modify this pretrial order upon such terms as the Court deems just and proper.

CONSENTED TO:

FIRM NAME
Attorneys for Plaintiff
By: _____
[address and telephone number]

FIRM NAME
Attorneys for Defendant
By: _____
[address and telephone number]

SO ORDERED:

Dated: New York, New York
[date]

DENNY CHIN
United States District Judge