

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
,  
**Plaintiff,**  
  
**- against -**  
  
,  
**Defendant.**  
\_\_\_\_\_

**JOINT PRETRIAL ORDER**

**Civ. (SAS)**

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

Having conferred among themselves and with the Court pursuant to Federal Rule of Civil Procedure 16, the parties adopt the following statements, directions, and agreements as their Pretrial Order:

1. **TRIAL COUNSEL**: [List the names, addresses and telephone numbers of the attorneys who will try the case for the respective parties.]
2. **NATURE OF ACTION AND JURISDICTION/VENUE**: [State succinctly the nature of the case, the claimed statutory bases of federal jurisdiction and venue. Also state whether there is any dispute concerning jurisdiction or venue.]
3. **JURY/NON-JURY**:
4. **AMENDMENTS/DISMISSALS**: [Set forth any requested amendments to pleadings, dismissal of the case as to any unserved parties, additions or substitutions of parties, and dispositions as to defaulting parties. Proposed amendments should include the basis for the amendment, the reason why the amendment is being raised at this time, and any objections.]
5. **UNDISPUTED FACTS**: [State those facts which are stipulated to be true and as to which proof is accordingly unnecessary. If counsel so directs, such stipulation may contain the reservation that there is no concession as to the materiality or relevance of those facts.]

6. CONTENTIONS OF THE PARTIES: [State separately the contentions of the parties, including contentions by and against impleaded parties. Include all claims for damages, if any, claimed by each party involved in the case and the general terms of any other relief prayed for by each party.]

7. ISSUES OF LAW: [State the ultimate issues of law in the case, preferably in the form of a joint statement. Should the parties find themselves unable to agree on a joint statement, each party may then set forth a separate statements of the legal issues perceived by that party.]

8. SEPARATE TRIAL OF ISSUES: [State whether a separate trial of any of the issues is (a) feasible and (b) advisable.]

9. LIST OF PROSPECTIVE WITNESSES: [Prepare a separate list of all prospective witnesses, other than expert witnesses, that each party expects to call in person or through deposition. Do not include witnesses which will only be used for impeachment or rebuttal. If any additional witnesses come to the attention of counsel prior to the trial, a supplemental list must be prepared and filed with the Court and notice must be given to the opposing side. This supplemental list must include the reason why the witness' name was not set forth in the Joint Pretrial Order.]

10. EXPERT WITNESSES: [List any stipulations relating to the number or nature of experts to be called by the parties or the Court, and provide a brief summary of each expert's proposed testimony consistent with the provisions of Federal Rule of Civil Procedure 26(a)(2)(B).]

11. EXHIBITS: [List: (a) plaintiff's proposed trial exhibits; (b) defendant's proposed trial exhibits; and (c) any other party's proposed trial exhibits, including depositions (with reference to date and page number of transcripts), answers to interrogatories, and responses to requests for admissions. Do not include trial exhibits which will only be used for impeachment or rebuttal. Exhibits shall be given a proper designation (numbers for plaintiff; letters for defendant; initials to be added if there are multiple plaintiffs or defendants).

Next to each exhibit not stipulated to be admissible, the opponent shall state briefly the basis of the objection (*e.g.*, "authentication," "hearsay") and provide a reference to the specific Rule of Evidence upon which the opponent is relying. Only the grounds listed will be considered at trial and all other objections

shall be deemed waived. In advance of each trial session, counsel going forward at that session should show opposing counsel the exhibits s/he intends to introduce at the session. If possible, the Court will rule on the objection then, eliminating the need for a sidebar conference when the exhibit is offered. Exhibits to which there is no objection shall be listed as marked into evidence, subject to the Court's approval.

At the beginning of trial, two complete sets of documentary exhibits should be provided to the Court for use during trial, unless the Court excuses a party from this requirement. All exhibits should be marked prior to introduction, as no trial time will be used for this purpose.]

12. SUBSEQUENT AMENDMENT OF WITNESS OR EXHIBIT LISTS: [Include the following language: "Absent the subsequent consent of all the parties hereto, or the issuance of a subsequent Order by this Court so permitting, no witnesses or exhibits shall be presented at the trial of this case other than those listed in paragraphs 9, 10 and 11 hereof."]

13. ESTIMATE OF TRIAL TIME: [Make a careful estimate of the number of trial days required for the presentation of each party's case.]

14. PREVIOUS SUBSTANTIVE MOTIONS: [List all previous motions to dismiss and motions for summary judgment, separate trial of issues, consolidation of cases, change of venue, and *pendente lite* relief. Indicate the disposition or status of each motion.]

15. REQUESTED EVIDENTIARY RULINGS:

16. JURY VERDICT: [Include the following language, if applicable: "Pursuant to Federal Rule of Civil Procedure 48, the parties have stipulated and agreed that a verdict or a finding by \_\_\_ (indicate 5, 6, 7, or all) of the jurors comprising the jury shall be taken as the verdict or finding of the jury."]

17. VOIR DIRE QUESTIONS, REQUESTS TO CHARGE, AND PROPOSED VERDICT SHEETS IN A JURY TRIAL: [As required by this Court's Individual Rules of Practice, each party must submit: (a) requests for voir dire questions to be asked of prospective jurors; (b) requests to charge; (c) proposed verdict sheets. These documents must be submitted simultaneously with the Joint Pretrial Order. Any objections to voir dire questions, requests to charge, or proposed

verdict sheets shall be submitted one week after the date of the Joint Pretrial Order, unless otherwise instructed by this Court.

18. TRIAL MEMORANDUM OF LAW AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW IN A NON-JURY (BENCH) TRIAL: [As required by this Court's Individual Rules of Practice, each party must submit a trial memorandum of law addressed to each issue of law that the party expects to be raised at trial as well as proposed findings of fact and conclusions of law. These documents must be submitted simultaneously with the Joint Pretrial Order.]

SO ORDERED:

\_\_\_\_\_  
Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
\_\_\_\_\_, 2013

CONSENTED TO BY:

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Attorney for

\_\_\_\_\_  
Attorney for

**- Appearances -**

**For Plaintiff:**

**For Defendant(s):**