**IN THE UNITED STATES DISTRICT COURT**

**FOR THE SOUTHERN DISTRICT OF GEORGIA**

Choose an item. **DIVISION**

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**PRETRIAL ORDER FORM**

The proposed Pretrial Order shall cover the following subjects, numbered serially as below:[[1]](#footnote-1)

1. Counsel are to discuss and agree on every possible factual stipulation. The stipulations must be reduced to writing, signed, and filed with the consolidated proposed pretrial order as “ATTACHMENT 1” hereto. Stipulations can spare witness testimony, trial time, and expense. If a party feels the other side is in bad faith refusing to stipulate, they shall set forth “proposed stipulations” on “ATTACHMENT 1.” Costs of proving what, at trial, was never really disputed and what should have been stipulated, may be taxed against the offending party and attorney. Those costs may include witness fees and additional attorney preparation time costs.
2. State the names of all parties, firms and attorneys to be used in qualifying the jury. State the name of any insurance company involved, and whether it is a stock or mutual company. State the names of all counsel who are members of any firm involved on a contingent fee basis. At the pretrial conference, counsel may be required to disclose policy limits and details of any insurance coverage.
3. Identify the basis upon which the jurisdiction of this Court is based and any questions relating to its jurisdiction.
4. List any motions or other matters in the case which remain unresolved. Any motion not so enumerated shall be deemed withdrawn by the moving party.
5. Outline of plaintiff(s)’ case.

**NOTE: PLAINTIFF(S) SHOULD PAY PARTICULAR ATTENTION TO THIS PARAGRAPH. AT THE TRIAL, IT MAY BE USED BY THE COURT IN DIRECTING THE CASE AND INSTRUCTING THE JURY.**

Plaintiff(s) shall furnish a short, succinct, factual and narrative statement of thecause of action. This statement should not be argumentative and should not recite evidence. In no event shall the statement be more than one page.

1. Outline of defendant(s)’ case.

**NOTE: DEFENDANT(S) SHOULD PAY PARTICULAR ATTENTION TO THIS PARAGRAPH. AT THE TRIAL, IT MAY BE USED BY THE COURT IN DIRECTING THE CASE AND INSTRUCTING THE JURY.**

Defendant(s) shall:

(a) Furnish a short, succinct, factual and narrative statement as to all defenses (general and special). This statement should not be argumentative and should not recite evidence. In no event shall the statement be more than one page.

(b) In all actions involving a counterclaim, cross-claim, or third-party action, summarize the matter, using the outline required as to the main claim.

1. In all cases in which violation of the United States Constitution or a federal or state statute or regulation is alleged, the party making such claim shall specifically state the constitutional provision and/or statute allegedly violated and the specific facts on which such alleged violation is based. The party shall detail the damage or relief sought pursuant to such claim and recite supporting authority.
2. In tort cases, any party bearing a burden of proof shall list each and every act of negligence or intentional tort relied upon.

(a) Under a separate heading, state all relevant statutes, rules, regulations and ordinances allegedly violated. Also, recite any supporting authority.

(b) List all items of damages claimed or non-monetary relief sought.

(c) In all cases involving alleged permanent injuries or death, furnish a full statement as to the age, alleged life expectancy and/or probable duration of the injuries, and earnings (including income tax records or other records to prove earnings).

1. In contract cases or any other action not addressed in paragraphs 10 or 11, any party having a burden of proof shall outline the particular alleged breach of contract or the basis of any other cause of action, enumerate any applicable statute involved, and detail the damages or relief sought and recite appropriate supporting authority.
2. If there is any dispute as to agency, state the contentions of the parties with respect to agency.
3. State who has the burden of proof (including any affirmative defenses or special issues) and who has the opening and closing arguments to the jury.
4. In accordance with the Joint Trial Preparation Scheduling Order, the parties have already filed their witness lists. However, under this paragraph, both plaintiff(s) and defendant(s) shall separately list the witnesses whom each will have present at the trial and those whom each may have present at the trial. Witnesses intended to be used solely for impeachment shall be listed; however, if a party has a genuine reason for not listing and disclosing an impeachment witness, such party may address the Court *ex parte* and seek a ruling as to whether disclosure may be properly withheld. A representation that a party will have a witness present may be relied on by the opposing party unless notice to the contrary is given in sufficient time prior to trial to allow the opposing party to subpoena the witness or obtain his testimony. If a witness is not listed when the proposed pretrial order is filed, the Court will not allow the addition of a witness by any party **except** for providential or other good cause shown to the Court by application for amendment to this Order.
5. In accordance with the Joint Trial Preparation Scheduling Order, the parties have already filed their deposition designations and have made their objections to each other’s deposition designations known to the Court. If objections to any designations have previously been raised but have not been resolved by the Court (or by agreement of the parties), please summarize below the specific designation(s), the objection(s) raised thereto, and any response(s) offered by the designating party. Additionally, while the Court strongly discourages the parties from doing so, if any party believes it will need to introduce deposition testimony that it has not previously designated, the party shall designate the specific testimony below and indicate why it was not previously designated, whether any other party objects to that testimony being used and, if so, the proffered grounds for that objection, and any response the designating party may have to the objection. Any deposition testimony that has not been designated for use at trial in a prior-filed list or in this proposed Pretrial Order will not be permitted to be used by any party **except** for providential or other good cause shown to the Court by application for amendment to that party’s list of deposition designations.
6. Similarly, in accordance with the Joint Trial Preparation Scheduling Order, the parties have already filed a joint exhibit list as well as any separate exhibit lists and they have made their objections to each other’s exhibits known to the Court. If objections to any exhibits have previously been raised but have not been resolved by the Court (or agreement of the parties), please summarize below the specific exhibit(s), the objection(s) raised thereto, and any response(s) offered by the exhibit’s proponent(s). Additionally, while the Court strongly discourages the parties from doing so, if any party believes it will need to introduce an exhibit that it has not previously disclosed, the party shall list the exhibit below and indicate why the exhibit was not previously disclosed, whether any other party objects to that exhibit being offered and, if so, the proffered grounds for that objection, and any response the proponent of the exhibit may have to the objection. Any exhibit that has not been listed by a party in a prior-filed exhibit list or in this proposed Pretrial Order will not be permitted to be added by any party **except** for providential or other good cause shown to the Court by application for amendment to that party’s exhibit list.
7. Each party shall separately provide a memorandum of authorities as to any significant questions of law likely to arise at the trial.
8. Plaintiff(s)’ counsel estimates \_\_\_\_\_\_\_\_ (days) (hours) to present plaintiff(s)’ case; defendant(s)’ counsel estimates \_\_\_\_\_\_\_\_\_ (days) (hours) to present the defense.
9. Plaintiff(s) \_\_\_ has \_\_\_ has not offered to settle.

Defendant(s) \_\_\_ has \_\_\_ has not offered to settle.

It appears at this time that there is:

\_\_\_ A good possibility of settlement.

\_\_\_ Some possibility of settlement.

\_\_\_ No possibility of settlement.

The parties \_\_\_do \_\_\_ do not wish to confer with the Court regarding settlement.

1. State any other matters which should be covered by pretrial order, including rulings desired of the Court prior to trial.
2. State whether the issues of liability and damages should be tried separately (bifurcated) and give any other suggestion toward shortening the trial. Where bifurcation is opposed by any party, such party shall state the reasons for such opposition.
3. Lead counsel shall discuss and attempt to agree on a proposed verdict form. Where agreement is reached, the parties shall submit a copy of a joint proposed verdict form as an attachment hereto. Where agreement is not reached, each party shall submit a separate proposed verdict form as an attachment hereto.
4. In non-jury cases, the parties shall each file their proposed findings of fact, summary of depositions, and conclusions of law not later than **one week** prior to the assigned trial date.
5. By signing and filing this proposed Pretrial Order, the parties certify the following: to the best of their knowledge, the information contained herein is true, accurate, and complete; they understand that, once the proposed Pretrial Order is signed by the Court, it supersedes the pleadings, which will be amended to conform to the Pretrial order; and no amendments to the Order can be made except by Order of the Court.

Signed[[2]](#footnote-2) and Dated: Click here to enter a date.

Pro Se Party (if applicable) Pro Se Party (if applicable)

/s/ Click here to enter text. /s/ Click here to enter text.

Counsel for Plaintiff(s) Counsel for Plaintiff(s)

/s/ Click here to enter text. /s/ Click here to enter text.

Counsel for Plaintiff(s) Counsel for Plaintiff(s)

/s/ Click here to enter text. /s/ Click here to enter text.

Counsel for Defendant(s) Counsel for Defendant(s)

/s/ Click here to enter text. /s/ Click here to enter text.

Counsel for Defendant(s) Counsel for Defendant(s)

**IT IS HEREBY ORDERED that the foregoing constitutes a PRETRIAL ORDER in the above case(s), that it supersedes the pleadings which are hereby amended to conform hereto and that this PRETRIAL ORDER shall not be amended except by ORDER OF THE COURT.**

R. STAN BAKER

UNITED STATES DISTRICT JUDGE

SOUTHERN DISTRICT OF GEORGIA

1. Please refrain from using appendices or attachments except where specifically authorized by the Court or called for herein. [↑](#footnote-ref-1)
2. The final proposed Pretrial Order shall be signed by counsel for each party and any unrepresented parties. Counsel should sign the Plan electronically and file it in accordance with the Court’s Administrative Procedures for Filings, Signing, and Verifying Pleadings and Papers by Electronic Means available at the following link:

   [www.gasd.uscourts.gov/sites/gasd/files/RevisedAdminProceduresECF-Dec2-2016.pdf](http://www.gasd.uscourts.gov/sites/gasd/files/RevisedAdminProceduresECF-Dec2-2016.pdf) [↑](#footnote-ref-2)