

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

<i>Plaintiff(s),</i>	§	
	§	
v.	§	Civil Action H-_____
	§	
<i>Defendant(s).</i>	§	
	§	

JOINT PRETRIAL ORDER

[See generally Judge Miller’s Court Procedures, § 9.A.]

Appearance of Counsel

List the parties, their respective counsel, and the addresses, email addresses and telephone numbers of counsel in separate paragraphs.

Statement of the Case

Give a brief agreed statement of the case for the information of the court which the court may read to the jury panel to see if the panel is acquainted with the facts or parties to the case. Include names, dates and places.

Jurisdiction

Briefly set out why the court has full and complete jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state the problem.

Motions

Identify any pending motions.

Contentions of the Parties

State concisely in separate paragraphs what each party claims.

Admissions of Fact

List all facts which have been stipulated and admitted and require no proof.

Contested Issues of Fact

List all factual issues in controversy necessary to the final disposition of the case.

Agreed Applicable Propositions of Law

Delineate those legal propositions not in dispute.

Contested Issues of Law

State briefly the issues of law in dispute. A memorandum of law should be filed which addresses these issues.

Exhibits

Each counsel must attach to this Joint Pretrial Order a list (in the form shown by Attachment A or a similar form) of all exhibits to be offered and must provide copies of all such exhibits to opposing counsel. This rule applies to rebuttal exhibits except in the limited circumstances when the exhibits cannot be anticipated.

Any counsel requiring authentication of an exhibit must so notify the offering counsel in writing within seven (7) days after the exhibit is listed and made available to opposing counsel for examination. Failure to do so is an admission of authenticity. *See* S.D. TEXAS LOCAL RULE 44.1.

Exhibits listed in the final pretrial order may be admitted into evidence unless opposing counsel files written objections at least seven (7) days before trial with copies of the disputed exhibit and authority. *See* S.D. TEXAS LOCAL RULE 46.

The offering party will mark his/her own exhibits prior to trial and include the party's name, case number, and exhibit number on each exhibit to be offered.

Witnesses

List the names and addresses of witnesses who will or may be called and include a brief statement of the subject matter and substance of their testimony. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. Objections to those portions (citing pages and lines) with supporting authority must be filed within five (5) days after the joint pretrial order is filed.

Each counsel will also attach to the joint pretrial order a list of witnesses' names.

In the event there are any other witnesses to be called at the trial, their names, addresses and the subject matter of their testimony shall be reported to opposing counsel as soon as they are known. This restriction shall not apply to a purely rebuttal or impeaching witness if necessity of the witness or the testimony cannot reasonably be anticipated before trial.

Settlement

Include a statement addressing whether or not all settlement efforts have been exhausted, the current settlement demand and offer, and whether the case can reasonably be expected to settle.

Trial

Include in this paragraph the following:

- a) Whether trial will be Jury or Non-Jury;
- b) Probable length of trial; and
- c) Availability of witnesses.

Additional Required Attachments

Motions in Limine: State whether any party is filing a Motion in Limine. (All Motions in Limine must be filed with the Pretrial Order.)

For Jury Trials include the following:

- a) Proposed questions for the jury panel.
- b) Proposed jury instructions, definitions, and interrogatories. Each requested instruction, definition, and interrogatory must be numbered and presented on a separate sheet of paper with the citation and authority upon which counsel rely.
- c) Memorandum of Law.

For Non-Jury Trials include the following:

- a) Proposed Findings of Fact.
- b) Proposed Conclusions of Law.
- c) Memorandum of Law.

Date

Gray H. Miller
United States District Judge

APPROVAL:

Counsel for Plaintiff(s)

Counsel for Defendant(s)