

Form 12

Joint Pretrial Order

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

_____	§	CIVIL ACTION NO.
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
_____	§	
Defendant.	§	

JOINT PRETRIAL ORDER

Furnish the information requested in italics with each numbered item.

1. Appearance of counsel

Identify in separate paragraphs each party and its respective counsel. List the addresses, telephone numbers, and e-mail addresses of counsel.

2. Statement of the case

Set forth a brief, agreed statement of the case. The Court may read this statement to the jury panel during the voir dire examination. Include names, dates, and relevant places. Briefly state the parties' contentions and the issues requiring resolution at trial.

3. Jurisdiction

Briefly state why the Court has jurisdiction of the subject matter and the parties. Identify any unresolved jurisdictional questions.

4. Motions

Identify any pending motions.

5. The parties' contentions

State concisely in separate paragraphs the contentions that are necessary to the relief sought in the case. Include only those that are an essential basis for resolving the case. A lengthy list of nonessential contentions is not helpful.

6. Admissions of fact

List only those admitted or otherwise undisputed facts that require no proof that and are necessary to the disposition and relief sought in the case.

7. Disputed facts

List only those disputed facts that are necessary to the disposition and relief sought in the case.

8. Agreed applicable propositions of law

State only those nondisputed legal propositions that are necessary to the disposition and relief sought in the case.

9. Contested issues of law

State only those disputed legal issues that are necessary to the disposition and relief sought in the case. A memorandum of law with authorities addressing only these issues must accompany this Order.

10. Exhibits

Each offering party must mark its own exhibits before trial. Include the party's name, case number, and exhibit number on each exhibit.

Each party must file as a separate document and attach to this Joint Pretrial Order a list of all exhibits expected to be offered. Prepare the list in a form similar to that made available with the Court's Procedures.

Follow Section 22 of the Court's Procedures in all respects, including as to objection and admission of exhibits.

11. Witnesses

List in separate paragraphs the names and addresses of witnesses that each party intends in good faith to call in its case-in-chief. Include a brief statement of the subject matter and substance of the testimony of each.

Include the following statement:

“If any other witnesses will be called at the trial, their names, addresses, and the subject matter of their testimony will be reported to opposing counsel as soon as they are known. This restriction will not apply to rebuttal or impeachment witnesses, the necessity of whose testimony cannot reasonably be anticipated before trial.”

Each party must file as a separate document and attach to this Joint Pretrial Order a list of all witnesses. Prepare the list as per Section 23 of the Court's procedures.

Each party must also file as a separate document and attach to this Joint Pretrial Order any intended deposition designations. Prepare the designations as per Section 24 of the Court's procedures.

12. Settlement

Include a statement as to the status of any settlement negotiations.

13. Trial

State whether the trial will be jury or nonjury; the probable length of trial; and any foreseeable logistical problems, including the availability of witnesses or unusual exhibits.

14. Juror comprehension initiatives

Briefly state the position of each party as to the suitability at trial of:

- *Trial time limits;*
- *Preliminary substantive jury instructions;*
- *Notetaking by jurors;*
- *Trial binders for jurors to include glossary of terms, cast of characters, chronology, and key exhibits;*
- *Questions by jurors during trial; and*
- *Interim statements or argument to jury by counsel.*

15. Additional required attachments

For any jury trial, each party must file as a separate document and attach to this Joint Pretrial Order the following attachments.

- *Any motion in limine as per Section 25 of the Court's Procedures;*
- *Proposed topics and questions for examination of prospective jurors as per Section 26 of the Court's Procedures;*
- *A proposed jury charge as per Section 27 of the Court's Procedures; and*
- *A memorandum of law.*

For any bench trial, each party must file as a separate document and attach to this Joint Pretrial Order the following attachments.

- *Proposed findings of facts and conclusions of law as per Section 28 of the Court's Procedures; and*
- *A memorandum of law.*

Signed on _____, at Houston, Texas.

 Hon. Charles Eskridge
 United States District Judge

APPROVED:

 Date

 [Plaintiff Signature Block]

 Date

 [Defendant Signature Block]