



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

Click here to enter text.,)	
)	
Plaintiff(s),)	
)	
v.)	Case No. Click here to enter text.
)	
Click here to enter text.)	
)	
Defendant(s).)	

FINAL PRETRIAL ORDER

ROSENSTENGEL, District Judge:

I. COUNSEL OF RECORD

Attorney(s) for Plaintiff(s):

[Insert name, address, telephone number, and email address].

Attorney(s) for Defendant(s):

[Insert name, address, telephone number, and email address].

II. NATURE OF THE CASE

[The parties should prepare and insert here a brief statement generally describing (in simple terms) the claim(s) made by the plaintiff(s) (i.e., personal injury, breach of contract, employment discrimination, etc.) and each defendant’s position regarding those claims (e.g., Defendant XYZ Co. denies that it discriminated against Plaintiff Jones). The Court will read this statement to prospective jurors during voir dire and to selected jurors as part of the “preliminary” instructions given at the beginning of trial].

III. SUBJECT MATTER JURISDICTION

This is an action for [state the remedy sought, such as damages, injunctive, or declaratory relief].

The basis for the Court’s subject matter jurisdiction is [state the statutory, constitutional, or other basis of jurisdiction. If jurisdiction is based on diversity of citizenship, identify the citizenship of each party and the basis for satisfying the amount in controversy requirement].

The existence of subject matter jurisdiction is not contested [or, if it is, explain the basis on which jurisdiction is contested and by which party].

IV. UNCONTROVERTED FACTS

The following facts are not disputed:

[The parties should insert here any facts which are not in dispute or which have been agreed to or stipulated to by the parties. Note that these facts will become a part of the evidentiary record in the case and, in jury trials, may be read to the jury].

The parties propose to convey these facts to the jury in the following manner:

[State whether counsel or the Court will convey the facts to the jury].

V. CONTROVERTED FACTS

[The parties should insert here any facts which are in dispute].

VI. AGREED TO ISSUES OF LAW

The parties agree that the Court is to decide the following legal issues: [insert disputed legal issues in detail].

VII. WITNESSES

NOTE: Identification of witnesses in this Final Pretrial Order does not relieve the parties of their obligation to timely file pretrial disclosures required by Federal Rule of Civil Procedure 26(a)(3). The parties should simply list below the witnesses that have been disclosed pursuant to Rule 26(a)(3) whom they intend to call at trial. Every party to the action should include a list of witnesses in the form set forth below. Any witness not properly disclosed will not be allowed to testify.

Plaintiff intends to call the following witnesses:

Expert witnesses: [insert names].

Non-expert witnesses: [insert names].

Defendant intends to call the following witnesses:

Expert witnesses: [insert names].

Non-expert witnesses: [insert names].

VIII. EXHIBITS

[Identify here the date on which each party filed its pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2)(3) and whether there are unresolved objections to any exhibit].

NOTE: The parties shall identify the exhibits they intend to use at trial in the disclosures timely made pursuant to Federal Rule of Civil Procedure 26(a)(3). When possible, objections filed pursuant to Rule 26(a)(3) will be resolved at the Final Pretrial Conference. The parties shall bring their Rule 26(a)(3) disclosures and any objections to the Final Pretrial Conference.

In addition to the provisions of Rule 26, the parties shall prepare an Exhibit List stating the number and brief description of each exhibit they expect to present at trial. The Exhibit List must be submitted be at least **two business days** before the first day of trial using Judge Rosenstengel's approved form (a revision of AO Form 187). A copy of that blank form will be provided to counsel by the Courtroom Deputy Clerk, normally when the Final Pretrial Conference is scheduled. The parties may also request the template by contacting Judge Rosenstengel's Courtroom Deputy Clerk, Deana Brinkley, at (618) 482-9342 or by email at Deana_Brinkley@ilsd.uscourts.gov. Detailed instructions for completing the Exhibit List are explained in Judge Rosenstengel's Case Management Procedures available on the Court's website, www.ilsd.uscourts.gov.

IX. DAMAGES

[The parties should insert here (or attach a separate sheet containing) an itemization of all damages sought in this case.]

X. BIFURCATED TRIAL

[Indicate here whether the parties request a bifurcated trial, and if so, why.]

XI. TRIAL BRIEFS

[Indicate here whether the parties have filed trial briefs or intend to do so].

NOTE: Judge Rosenstengel does not *require* trial briefs. In certain cases, Judge Rosenstengel may direct the parties to file trial briefs on a particular legal issue. Moreover, if there are complex evidentiary or other issues which trial briefs would help clarify, the parties should file trial briefs no later than **14 calendar days** prior to the first day of trial. Trial briefs should not be used to rehash issues previously rejected by the Court via ruling on a dispositive motion.

XII. MOTIONS *IN LIMINE*

[Counsel shall identify here whether motions *in limine* have been filed and not ruled

upon and/or whether the parties expect to file additional motions *in limine*.]

NOTE: Unless the Court, by written Order or Notice in a particular case, has set a different deadline, all motions *in limine* must be filed **no later than 21 calendar days before the Final Pretrial Conference**. Responses to motions *in limine* must be filed **no later than 14 days after the date the motion is filed**. When time allows, Judge Rosenstengel will hear argument on motions *in limine* at the Final Pretrial Conference, or she may schedule a separate hearing on motions *in limine*. Given the nature of motions *in limine*, failure to file motions by the deadline generally will not prejudice a party's ability to move *in limine* before the jury is impaneled. Later-filed motions, however, may be stricken if their consideration would delay the start of trial.

XIII. JURY INSTRUCTIONS

[The parties shall identify here whether they anticipate issues with respect to preparation of the proposed jury instructions].

NOTE: Jury instructions should be provided in Microsoft Word format by email to NJRpd@ilsd.uscourts.gov no later than the morning of trial. Each instruction should be marked to designate the party offering the instruction (e.g., "Plaintiff's Instruction No. 1" or "Parties Agreed Instruction No. 1") and the source of the instruction (e.g., "Seventh Circuit Pattern Instruction No. 1.01"). Plaintiff is primarily responsible for the burden of proof instructions, the damage instructions, the verdict instructions, and the verdict forms. Defendant is primarily responsible for the cautionary instructions. ***The parties should work together in an effort to produce one set of proposed instructions.*** If the parties are unable to agree on certain instructions, each party may submit a version of the contested instructions. The Court will compile a packet of proposed final instructions and give the instructions to the parties during trial before a formal jury instruction conference is held.

APPROVED AS TO FORM AND SUBSTANCE:

Attorney for Plaintiff(s)

Attorney for Defendant(s)

This Order should be submitted as a proposed order directly to chambers at NJRpd@ilsd.uscourts.gov with counsel's s/ signatures affixed above.

IT IS SO ORDERED.