

**(FOR USE IN JURY TRIALS)**  
**PRETRIAL ORDER REQUIREMENTS**  
**U.S. District Judge Rebecca F. Doherty**

**1. Claims and Responses:**

Any party asserting a claim shall identify as to each claim: (a) the law and any contractual provision supporting the claim; (b) the jurisdictional basis for the claim; (c) the remedy prayed for as to each defendant; and (d) the law supporting that remedy as to that defendant. **This requirement applies to all counterclaims, cross-claims, third-party claims, and interventions, and the parties shall state whether they have stipulated to any intervention.**

Each party against whom a claim has been asserted shall provide the following information: (a) the basis or lack thereof for each claim; (b) all affirmative defenses asserted and the legal bases therefor; (c) whether the dispute in question is one of law, fact, or contractual interpretation; and (d) the law supporting the responses.

The information regarding claims and responses contained in this section shall contain page-specific citations to supporting jurisprudence as to each claim, remedy, defense, and allegation.

**FAILURE TO INCLUDE A CLAIM OR DEFENSE IN THIS ORDER WILL CONSTITUTE ABANDONMENT OF THE CLAIM OR DEFENSE.**

**2. Procedural History and Posture:**

The parties shall set out the procedural history of the case, including (a) disposition of motions filed; and (b) a list of any pending motions.

**3. Issues of Law:**

Identify any TRUE issues of LAW which remain unresolved as of the pretrial conference.

**4. Thumbnail Sketch of Facts:**

Each party shall give a BRIEF (i.e., two or three paragraphs only) thumbnail sketch of the **specific facts** which support its claim or claims.

**5. Witnesses:**

Each party shall set out a **will call**<sup>1</sup> witness list, which conforms with the privacy concerns addressed at FED. R. CIV. P. art. 5.2. The list shall designate those witnesses whose testimony is expected to be presented by means of a deposition. Additionally, the parties are to give a brief description of the testimony of each witness.

**6. Exhibits:**

Each party shall set out an exhibit list, which conforms with the privacy concerns addressed at FED. R. CIV. P. art. 5.2., and identify the exhibits the party **will use**<sup>2</sup> at trial. The parties shall sufficiently identify each document or other exhibit for the opposing party and the Court.

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<sup>1</sup> The Court defines “will call” witnesses as those a party intends to call in its case-in-chief.

<sup>2</sup> The Court defines “will use” exhibits as those a party intends to submit in its case-in-chief.

**7. Objections to Witness and Exhibit Lists:**

List here any objections, other than relevance, to the witness or exhibit lists of another party, including those objections contained in FED. R. CIV. P. 26(a)(3). For all such objections, the parties must submit copies of the disputed exhibit. Any objections not specifically stated in the Pretrial Order are deemed waived unless excused by the court for good cause shown.

**8. Stipulations:**

List here any matters to which the parties can stipulate. Counsel are encouraged to stipulate to as many factual and legal issues as possible in the interests of reducing costs and delays at trial. In jury trials, counsel shall state whether the stipulations are to be read to the jury.

**9. Jury Instructions/Jury Interrogatories:**

JOINT jury instructions and JOINT jury interrogatories shall be submitted as an attachments (in paper form), absent permission otherwise, obtained from the court prior to the deadline for submission of the Pretrial Order. Additionally, the parties are to either: (1) provide the Court with a CD-ROM containing all jury instructions and jury interrogatories in WordPerfect format, or (2) email the law clerk assigned to this matter, and attach the documents to the email in WordPerfect format. Jury instructions taken from the most recent edition of the Fifth Circuit Pattern Instructions need not be reproduced; rather, the parties may identify those instructions by number only.

If there is a dispute as to an instruction or interrogatory, the parties are to agree to the extent possible, and footnote the disagreement with proper page-specific citations to the jurisprudence being relied upon to support the party's position. If the dispute is one of fact to be proved at trial, the fact at issue shall be identified in a footnote and the language for an instruction supporting each factual scenario shall be attached, noting its application to that fact if found. **Parties are to be prepared to discuss disputes as to Jury Instructions and Interrogatories at the pretrial conference.**

**10. Voir Dire:**

Proposed voir dire questions specific to a party or issue should accompany this order. Counsel shall not duplicate this Court's boiler plate voir dire.

Copies of boiler plate voir dire may be obtained on our website, at [www.lawd.uscourts.gov](http://www.lawd.uscourts.gov).

**11. Counsel Affirmations:**

The Pretrial Order shall contain the following affirmations:

- a. Trial counsel shall affirm, absent permission otherwise: (1) they will download their trial documents and exhibits to their personal equipment (or to an outside party's equipment hired for these purposes) and counsel will meet with the courtroom technology coordinator no later than seven days before trial, noting the scheduled date; or, (2) counsel will provide a CD-ROM containing the documents to the Courtroom Deputy and counsel will meet with the courtroom technology coordinator no later than seven days before trial, noting the scheduled date; or (3) counsel will affirm he or she is familiar with the Visual Presenter.
- b. The parties shall affirm they have complied with the supplementation requirements of FED. R. CIV. P. 26(e).

- c. All counsel, including intervenors, shall affirm final good faith settlement negotiations have been completed.
- d. Counsel shall affirm their understanding that failure to comply with any requirement of the Federal Rules of Civil Procedure, the Scheduling Order, or other orders of this court, will risk the imposition of the sanctions provided for by the Federal Rules of Civil Procedure.
- e. Counsel shall affirm their need, if any, for handicap provisions which are provided by the court.
- f. Counsel shall affirm they have provided the real time glossary to the court reporter.