

PRETRIAL ORDER REQUIREMENTS
U.S. Magistrate Judge Patrick J. Hanna

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.

In bench trials, the information regarding claims and responses contained in this section shall be supplemented by 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; and (c) a list of any anticipated motions and the “good cause” which exists to obtain Court authority for the late filing of same based on the deadlines previously established by the Scheduling Order.

3. Estimated Length of Trial:

Indicate the estimated length of trial.

4. Issues of Law:

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

5. 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.

6. 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.

7. Witnesses:

Each party shall set out a witness list which conforms to the requirements of FED. R. CIV. P. 26(a)(3)(A) and (B). Pursuant to this Court’s authority per Rule 16 to modify its scheduling order, the parties are required to provide only a Will Call Witness List to the Court at the time of submission of the Pretrial Order.

8. Exhibits:

Each party shall set out an exhibit list which conforms to the requirements of FED. R. CIV. P. art. 26(a)(3)(C). For all substantive objections, other than relevancy, the parties must submit copies of the disputed exhibit. Pursuant to this Court's authority per Rule 16 to modify its scheduling order, the parties are required to provide an Exhibit List which reflects only those exhibits that will be presented at trial at the time of submission of the Pretrial Order.

9. Objections to Witness and Exhibit Lists:

List here any objections to the witness or exhibit lists of another party, including those objections contained in FED. R. CIV. P. 26(a)(3). **ANY OBJECTIONS NOT SPECIFICALLY STATED IN THE PRETRIAL ORDER ARE DEEMED WAIVED UNLESS EXCUSED BY THE COURT FOR GOOD CAUSE SHOWN.**

10. For Bench Trials:

The parties shall submit **two** bench books 7 days prior to trial FOR THE EXCLUSIVE USE of the trial judge and their law clerk unless consent of the Court is obtained. Objections must accompany the bench books or risk being deemed waived.

Note that in bench trials, the parties are required to supplement the information regarding claims and responses, contained in Paragraph 1 *supra*, with page-specific citations for supporting jurisprudence as to each claim, remedy, defense, and allegation.

11. For Jury Trials:

In JURY TRIALS, JOINT jury instructions and JOINT jury interrogatories shall be attached unless permission of the Court is obtained prior to deadline for submission of the Pretrial Order. If there is a dispute as to an instruction or interrogatory question, the parties are to agree to the extent possible and footnote the disagreement with proper page-specific cites 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 Instruction and Interrogatories at the pretrial conference.

Counsel shall not duplicate this Court's boilerplate jury instruction. Jury instructions taken from the Fifth Circuit Pattern Instructions may be identified by number only and citation to the edition of the volume used. A floppy disk or CD-ROM containing all jury instructions and jury interrogatories created by counsel should accompany this order.

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 instructions and voir dire may be obtained upon request.

The parties shall submit **two** bench books 7 days prior to trial FOR THE EXCLUSIVE USE of the trial judge and their law clerk unless consent of the Court is obtained. Objections must accompany the bench books or risk being deemed waived.

12. Editing Trial Depositions/Filing Objections:

All depositions to be used at trial, including video depositions, shall be edited to remove non-essential, repetitious, and unnecessary material as well as objections and colloquy of counsel are due 7 days prior to trial. All objections to the deposition will be considered waived unless briefed and filed with the Clerk of Court, **WITH A COPY DELIVERED TO THE TRIAL JUDGE'S CHAMBERS**, on or before the 7 day deadline.

13. Counsel Affirmations:

The Pretrial Order shall contain an affirmation that all counsel are aware that exhibits are to be published to the jury by way of CD-ROM or the Visual Presenter unless consent of this Court is obtained upon a showing of impracticality or prejudice.

- a. Trial counsel shall affirm that he or she is familiar with the Visual Presenter and its operation or note the date they have scheduled with this Court's Courtroom Deputy for training.
- b. Counsel shall affirm final good faith settlement negotiations have been engaged in **WITHIN ONE WEEK** prior to the pretrial conference.
- c. Counsel shall affirm their need, if any, for handicap provisions which are provided by the Court.