Form LR16.1.3. Form of Pretrial Memorandum for Use in Employment Discrimination Cases

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

_____ DIVISION

)	Civil Action No.
v.)	Judge [Insert name of assigned judge]
)	

PRETRIAL MEMORANDUM

Attorney for plaintiff [Indicate name and phone number of trial attorney]:

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Plaintiff's brief summary of claim and statement of employment action:

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Attorney for defendant [Indicate name and phone number of trial attorney]:

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Defendant's brief summary of defenses and statement of employment action:

 [Plaintiff's counsel will complete Part A, Plaintiff's Summary of Damages, and defendant's counsel will complete Part B, Defendant's Summary of Damages, Assuming Liability. As indicated in the title to Part B, defendant's counsel must complete the section using the assumption of liability, even though defendant disputes liability.]

Part A. Plaintiff's Summary of Damages

1. Lost Wages and Benefits: [For each year for which damages are claimed, indicate (A) the total wages and benefits that would have been earned working for defendant but for the discrimination, (B) the total wages, benefits, and other income earned in substitute employment that plaintiff was able to obtain, (C) additional wages and benefits defendant maintains plaintiff could have earned, and (D) the difference between (A) and the total of [(B) + (C)].

Year	18	A Amounts Lost Due to Discrimination	B Amounts Earned in Substitute Employment	C Additional Amounts Could Have Earned	D Difference (A-(B+C))
19 19			 	 Lost Wages & Benefit	
2.	(a)	Attorney Fees (to da		Lost wages & Denem	.δ. φ
2.	(a) (b)	Costs (to date):	φ		\$
3.	` '	ou claim:			Ψ
5.	(a)	Pain <u>_suf</u> fering <u>, e</u> mo	otional injury, etc.?		
	(4)	Yes No	If yes, how much?		\$
	(b)		ed (double) damages?		*
		Yes \square No \square	If yes, how much?		\$
	(c)	Pre-judgment intere	est? ¹⁹		
		Yes No	If yes, how much?		\$
4.	Do yo	ou claim any other kin	ds of damage?		
		Yes No	If yes, what kind an	d how	
		much?			\$
5.	Total	Amount Claimed:			\$

¹⁸ Only two years are shown. Use the appropriate number of years in completing the form.

¹⁹ The inclusion of both liquidated damages and pre-judgment interest in this form is not intended to suggest that both are or are not recoverable.

Part B. Defendant's Summary of Damages, Assuming Liability [*This portion is to be completed in good faith even though defendant disputes liability.*]

1. [For each year for which damages are claimed, indicate (A) the total wages and benefits that would have been earned working for defendant but for the discrimination, (B) the total wages, benefits, and other income earned in substitute employment that plaintiff was able to obtain, (C) additional wages and benefits defendant maintains plaintiff could have earned, (D) other amounts received, such as disability or pension payments, and (E) the difference between (A) and the total of (B) + (C) + (D).]

(<i>A</i>) u	$\mathbf{A} = \mathbf{A}$	B	С	D
	Amounts Lost	Amounts Earned	Additional	
	Due to	in Substitute	Amounts Could	Difference
Year ²	²⁰ Discrimination	n Employment	Have Earned	(A-(B+C+D))
19 19				
		Total	Lost Wages & Benefit	s: \$
2. Yes N	Does the defendant di No If yes, explain, giving	spute the amount claimed f g estimated amount due:	for attorney's fees and	costs?
_				\$
3. etc?	Does the defendant dis Yes No	spute the amount claimed f If yes, explain, giving esti		otional injury,
				\$
4.	Does the defendant div Yes No	spute the claim for pre-jud If yes, explain, giving esti		
_				\$
5.	Does the defendant dia Yes No	spute the claim for punitive If yes, explain, giving esti	0	
_				\$
6.	Does the defendant div	spute any other claims for If yes, explain, giving esti		plaintiff?

²⁰ Only two years are shown. Use the appropriate number of years in completing the form.

\$_			
\$			

7. Total amount owed, assuming liability: