

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.
	)	Judge Lefkow
	)	
Defendant.	)	

**ORDER ESTABLISHING PROCEDURES  
FOR TRIAL PREPARATION**

All counsel<sup>1</sup> are expected to offer their full cooperation and assistance to fulfill both the substance and spirit of this order. If, after reasonable effort, any party cannot obtain the cooperation of other counsel, it shall be that party's duty to advise the court of this fact on notice by appropriate means.

**I. SCHEDULE**

It is essential that parties adhere to scheduled dates. Because of the scarcity of pretrial conference and trial dates, and in courtesy to other cases, late changes in scheduling are disfavored. **Accordingly, no extensions will be granted without good cause, and no request for extension should be made less than 14 days before the scheduled dates.**

(A) A Final Pretrial Conference will be held on \_\_\_\_\_ at \_\_\_\_\_.

(B) Materials prepared in compliance with the Final Pretrial Order ("Pretrial Materials") (Form L.R. 16.1.1-16.1.3 of the Local Rules (Civil) of this Court) shall be completed and submitted  
 to the clerk     in open court on \_\_\_\_\_ ("Submission Date").

(C) The trial will commence on \_\_\_\_\_ at \_\_\_\_\_, and continue from day to day as may be set by the court, until completed.

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<sup>1</sup>Any reference to "counsel" herein shall apply equally to any person unrepresented by counsel.

## **II. FINAL PRETRIAL ORDER**

- (A) All instructions contained within the Final Pretrial Order must be followed. The submissions in the Pretrial Materials will be binding on the parties at trial. If any counsel believes that any of the instructions allow for any part of the Pretrial Order to be deferred until after the Submission Date, that counsel shall file a motion seeking leave of court for such deferral.
- (B) To prepare the Pretrial Materials required for the Final Pretrial Order, counsel for all parties are directed to meet in order to (1) reach any possible stipulations narrowing the issues of law and fact, (2) identify non-stipulated issues of law and fact, and (3) exchange copies of documents that will be offered in evidence at the hearing.
- (C) Counsel's meeting shall be held sufficiently in advance of the Submission Date to permit thorough preparation of the Pretrial Materials.
- (D) At or before the meeting, counsel for each party shall furnish all other counsel with a draft statement of the contested issues of fact and law. The statement will (1) identify any issues that appear in the pleadings but about which there is no controversy, and (2) include all issues of law as well as ultimate issues of fact from the standpoint of each party.
- (E) Any motions requiring determination in advance of trial (including, without limitation, motions *in limine*, dispositive motions, partially dispositive motions, and disputes over the admissibility of any evidence at trial upon which the parties desire to present authorities and argument to the court) shall be specifically called to the court's attention not later than the Submission Date.

## **III. FINAL PRETRIAL CONFERENCE**

At the Final Pretrial Conference, each party shall be represented by the attorneys who will try the case (unless before the conference the court grants permission otherwise). All attending attorneys will come to the conference with full authority to accomplish the purposes of Fed. R. Civ. P. 16(d). Counsel shall have fully explored the matter with their clients as so to be prepared to settle and all persons necessary to effect a settlement shall be present.

**IV. DOCUMENTS PROMULGATED WITH THIS ORDER**

Appended to this Order are guidelines for preparing proposed findings of fact and conclusions of law.

ENTER:

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JUDGE

Dated:

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**GUIDELINES FOR PROPOSED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW**

- (1) Plaintiff shall first serve and file proposed findings and conclusions. Each defendant shall then serve and file answering proposals.
- (2) Plaintiff's proposals shall include (a) a narrative statement of *all facts* proposed to be proved, and (b) a concise statement of plaintiff's legal contentions and the authorities supporting them:
  - (A) Plaintiff's narrative statement of facts shall set forth in simple declarative sentences all the facts relied upon in support of plaintiff's claim for relief. It shall be complete in itself and shall contain no recitation of any witness' testimony or what any defendant stated or admitted in these or other proceedings, and no reference to the pleadings or other documents or schedules as such. It may contain references in parentheses to the names of witnesses, depositions, pleadings, exhibits or other documents, but no party shall be required to admit or deny the accuracy of such references. It shall, so far as possible, contain no pejoratives, labels or legal conclusions. It shall be so constructed, in consecutively numbered paragraphs (though where appropriate a paragraph may contain more than one sentence), that each of the opposing parties will be able to admit or deny each separate sentence of the statement.
  - (B) Plaintiff's statement of legal contentions shall set forth all such plaintiff's contentions necessary to demonstrate the liability of each defendant to such plaintiff. Such contentions shall be separately, clearly and concisely stated in separately numbered paragraphs. Each paragraph shall be followed by citations of authorities in support thereof.
- (3) Each defendant's answering proposals shall correspond to plaintiff's proposals:
  - (A) Each defendant's factual statement shall admit or deny each separate sentence contained in the narrative statement of fact of each plaintiff, except in instances where a portion of a sentence can be admitted and a portion denied. In those instances, each defendant shall state clearly the portion admitted and the portion denied. Each separate sentence of each defendant's response shall bear the same number as the corresponding sentence in the plaintiff's narrative statement of fact. In a separate portion of each defendant's narrative statement of facts, such defendant shall set forth all affirmative matter of a factual nature relied upon by such defendant, constructed in the same manner as the plaintiff's narrative statement of facts.
  - (B) Each defendant's separate statement of proposed conclusions of law shall respond directly to plaintiff's separate legal contentions and shall contain such additional contentions of the defendant as may be necessary to demonstrate the non-liability or limited liability of the defendant. Each defendant's statement of legal contentions shall be constructed in the same manner as is provided for the similar statement of each plaintiff.