

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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)	
Plaintiff,)	
)	Case No.
v.)	
)	Magistrate Judge Daniel G. Martin
)	
)	
Defendant.)	

FINAL PRETRIAL SCHEDULING ORDER

The parties shall jointly prepare and submit, by _____, a Final Pretrial Order complying with this Order. The Final Pretrial Conference is set for _____. Bench/Jury trial is set for _____.

Plaintiff's counsel has the responsibility to prepare the initial draft of the final pretrial order and must provide a draft to defendant's counsel no later than _____. Defendant's counsel must respond in writing to plaintiff's draft by no later _____, including any objections, changes, and additions to plaintiff's draft, as well as defendant's portion of the draft pretrial order (e.g., defendant's witness list, exhibit list, jury instructions and objections to exhibits, jury instructions, and deposition testimony listed by plaintiff). The parties must meet and confer by no later than _____ to discuss their respective drafts and to reach agreement to the extent possible.

Following the meet-and-confer process, it is the responsibility of plaintiff's counsel, with full cooperation from defendant's counsel, to assemble the final pretrial order for filing. The final pretrial order must be signed by both parties, and contain the following information:

1. Jurisdiction: A concise statement of the basis for federal subject matter jurisdiction and, if jurisdiction is disputed, the nature and basis of the dispute.
2. Case Statement: A concise joint statement of the case, including the names of the parties and the attorneys who will be representing them at trial; the nature of the case; the claims, counterclaims and cross-claims; and the defenses raised to those claims. In a jury trial, this statement will be read to the jury.
3. Stipulations: A statement of all facts to which the parties stipulate.
4. Witness Lists: A separate list of witnesses for the plaintiff and the defendant providing the name and address of each witness, including experts, divided into three categories: (a) witnesses who **will** be called to testify at trial; (b) witnesses who **may** be called to testify; and (c) witnesses whose testimony will be presented by deposition or other prior testimony (indicating whether the presentation will be by transcript or video).
 - a. Objections: All objections to the calling of any witnesses, and the reasons for the objections, must be stated in the pretrial order.

- b. Depositions: For witnesses who will be presented by deposition or other prior testimony, the pretrial order must include for each such witness a chart containing the following information: (a) the testimony that each side seeks to present, by page and line; (b) a concise statement of objections to any testimony and the basis for the objection; and (c) a concise statement of the asserted basis of admissibility.
- 5. Exhibit Lists: A chart listing all exhibits a party may introduce at trial (including demonstratives, summaries or other specially prepared exhibits), identified by exhibit number, with a brief description of each exhibit, a statement of any objections to the exhibit, and where there is an objection to the admission an exhibit, the party proposing the exhibit shall state the reasons for admissibility.
- 6. Estimate of Trial Time: A statement of whether the case will be a bench trial or jury trial, and a realistic estimate – in numbers of hours – of the length of the trial.
- 7. Damage Itemization: An itemization of damages and any other relief sought.
- 8. Proposed Voir Dire Questions: The court's Standard Voir Dire Questions can be obtained from the court's website. The parties should focus their attention on areas that are specific to the case being tried. If any question proposed by an opposing party is objected to, the objection should be noted in the pretrial order.
- 9. Proposed Jury Instructions: The Seventh Circuit Pattern Civil Jury Instructions are to be used to the extent they apply.
 - a. Agreed Instructions: The parties are directed to confer and agree upon jury instructions to the extent possible, prior to the submission of the jury instructions to the court. These agreed proposed instructions should be marked as such and shall be numbered consecutively.
 - b. Disputed Instructions: Unagreed proposed instructions shall be numbered, shall identify the proponent of the instruction, and shall include supporting authority. Objections to any proposed instructions must be set forth in writing and shall include supporting authority. Where there is an objection to a jury instruction, the party proposing the instruction shall state the reasons supporting the instruction as proposed.
- 10. The final pretrial order shall: (a) state that "This Order will control the course of the trial and may not be amended except by consent of the parties, or by order of the Court to prevent manifest injustice" and (b) provide spaces for the signature of counsel for each of the parties and by the Court.
- 11. Courtesy Copies: Two courtesy copies of the final pretrial order and objected-to exhibits and deposition testimony must be submitted in chambers.

Other Materials to be Filed Before Trial

- Experts: *Daubert* challenges must be filed by _____; any responses must be filed by _____; any replies must be filed by _____. These challenges, responses, and replies should not be bound with the final pretrial order.
- Motions in Limine: Any motions *in limine* must be filed by _____; any responses must be filed by _____; any replies must be filed by _____. These motions, responses, and replies should not be bound with the final pretrial order.
- Trial Briefs: Trial briefs are due by _____. No party's trial brief shall exceed 10 pages without prior approval of the court. Trial briefs are intended to provide full and complete disclosure of the parties' respective theories of the case. Accordingly, each trial brief shall include the party's theory of liability or defense, the party's theory of damages or other relief in the event liability is established, and the party's theory of any anticipated motion for directed verdict. The brief shall also include citations of authorities in support of each theory stated in the brief. Any theory of liability or defense that is not expressed in a party's trial brief may be deemed waived.

E N T E R:

Daniel G. Martin
United States Magistrate Judge

Dated: