

**PRETRIAL ORDER IN CIVIL JURY TRIAL CASES
PENDING BEFORE JUDGE JOHN J. THARP, JR.**

In all civil jury trials scheduled before Judge Tharp, the Court will set the date in advance of trial on which a proposed pretrial order must be filed. Due dates for the submission of draft pretrial orders will not be extended absent circumstances beyond counsel's control; **a busy schedule is not such a circumstance.**

All parties are required to participate in good faith in the preparation of the proposed pretrial order. **Failure to do so may result in the waiver of objections to the matters addressed by the pretrial order.** Following consultation with the defendant(s), the plaintiff(s) shall prepare and submit the draft pretrial order. The draft order must include the following items:

1. Jurisdiction: A statement of the basis for the Court's jurisdiction.
2. Trial Attorneys: A list of the attorneys trying the case, including business addresses and office and cellular telephone numbers.
3. Case Statement: A concise statement of the case, including: the nature of the case; the claims, counterclaims and crossclaims; and the defenses raised to those claims. The Court will read this statement (or a version culled from the competing submissions of the parties, if they are unable to agree) to the jury during voir dire.
4. Witness Lists: A list of the names of witnesses, including expert witnesses, divided into the following three categories: (a) witnesses who will be called to testify at trial; (b) witnesses who may be called to testify at trial; and (c) witnesses whose testimony a party plans to present by deposition or other prior testimony (indicating whether the presentation will be by transcript or video). The Court will read these lists to the jury during voir dire.
5. Exhibit Lists: A list of all trial exhibits (including demonstratives, summaries or other specially prepared exhibits), which includes the following:
 - (a) the exhibit number for each document;
 - (b) the date of the document; and
 - (c) a brief description of the document.
6. Damage Itemization: An itemization of damages and other relief sought.
7. Motions In Limine: All motions in limine must be filed with the pretrial order.

8. Proposed Voir Dire: The parties must file with the pretrial order any proposed voir dire questions to the jury venire. The parties must confer regarding their proposed voir dire prior to submission of the pretrial order, and the order should identify those questions that are agreed and those to which a party objects.

9. Jury Instructions: The parties must file proposed jury instructions with the pretrial order. Before submitting the pretrial order, the parties must confer regarding the instructions and submit a set of instructions that identifies those instructions that are agreed and those to which a party objects. The bottom of each instruction must identify the proponent of the instruction (*i.e.*, Agreed, Plaintiff, or Defendant) and the legal authority supporting that instruction (*e.g.*, the pattern instruction number, if a pattern instruction, or case citations supporting use of the instruction).

10. Trial Briefs: The Court does not require trial briefs in jury trials. Any party who wishes to file a trial brief must seek leave of the Court to do so.

The Court will set a date by which each party is required to file responses and/or objections to motions in limine. Objections to voir dire questions and jury instructions are due on the same date as the draft pretrial order. Objections to motions in limine, jury instructions, and proposed voir dire questions **MAY BE DEEMED WAIVED** if not timely filed.

ENTER:

JOHN J. THARP, JR.

United States District Judge