

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOINT PRETRIAL ORDER

CV-__-____ (BMC)

The parties having conferred among themselves and with the Court pursuant to Federal Rule of Civil Procedure 16, the following statements, directions and agreements are adopted as the Pretrial Order herein.

Full Caption of the Action

Trial Counsel

Names, addresses (including firm names), e-mail addresses and telephone and fax numbers of trial counsel.

Jurisdiction

Brief statement by plaintiff as to the basis of subject matter jurisdiction and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes and cases relied on and relevant facts as to citizenship and jurisdictional amount.

Claims and Defenses to be Tried

Brief summary of the claims and defenses to be tried, without recital of evidentiary matter but including citations to the relevant portions of the complaint as well as all statutes and cases relied on. Include a statement of any claims, defenses or counterclaims that have been disposed of by motion, stipulation/settlement or that otherwise will not be pursued at trial.

Jury/Non-Jury

Statement as to whether the case is to be tried with or without a jury, and the estimated number of total trial days.

Trial Before Magistrate Judge

Statement as to whether or not all parties consent to trial by a Magistrate Judge, without identifying which parties have or have not so consented.

Stipulations

Any stipulations or agreed statements of fact or law.

Witnesses

A list of witnesses intended to be called, with a brief summary of each witness' relation to the case and intended testimony. In addition, a table listing the basis for any objection to a witness' testimony. The table shall look like this:

Witness Name	Objection	Basis for Objection
John Doe	Hearsay	Explanation of objection, if any.

In submitting this table, the parties are not to overdesignate the number of witnesses. Each party must make a good faith effort to list only those witnesses it actually intends to call. The Court understands that exigencies of trial may require the elimination of one witness or the addition of another, and the Court will allow such changes if good cause and no prejudice is shown. The important point is that this Pretrial Order is the time at which the parties must plan their trial presentation, not some later point in time. For this reason, "reservations" to call additional witnesses are of no effect.

Deposition Transcripts

A table containing a list of the precise portions of deposition transcripts actually intended to be introduced at trial, together with any cross-designations or objections by any other party. If voluminous, the parties may present marked deposition volumes at the final pretrial conference in lieu of a designation in this Order, provided that they have discussed or identified to each other any objections to the proposed testimony prior to the final pretrial conference.

Exhibits

A table containing a list of exhibits intended to be offered, and any objections. The table should also indicate exhibits to which no party objects on grounds of authenticity and exhibits to which no party objects on any grounds. All exhibits must be pre-marked in the order in which they are expected to be used (using numerals for plaintiff's exhibits and letters for defendant's exhibits). At the time of filing the Pretrial Order, the parties will simultaneously deliver to Chambers a set of exhibits and deposition testimony to which objection has been made in this Pretrial Order so that the Court can rule on the objections at the conference to the extent practicable. The table shall look like this:

Exhibit	Objection	Basis for Objection
1. John Doe's employment	Hearsay	Explanation for objection, if any.

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See the admonition under “Witnesses” above with regard to overdesignation. The same rule applies regarding exhibits.

Relief Sought

SO ORDERED.

Dated: Brooklyn, New York
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U.S.D.J.