|  |
| --- |
|  |
| UNITED STATES DISTRICT COURTCENTRAL DISTRICT OF CALIFORNIA |
| ,Plaintiff(s),v.,Defendant(s). |  | Case No. CV-\_\_\_\_\_\_\_\_\_\_-AB (\_\_x)final pre-trial conference orderTrial Date: Final Pre-Trial Conference:Judge: Hon. André Birotte Jr.Revised December 1, 2023 |

TABLE OF CONTENTS

[**1.** THE PARTIES AND PLEADINGS 3](#_Toc140598298)

[**2.** JURISDICTION 3](#_Toc140598299)

[**3.** TRIAL DURATION 3](#_Toc140598300)

[**4.** JURY TRIAL 3](#_Toc140598301)

[**5.** ADMITTED FACTS 3](#_Toc140598302)

[**6.** STIPULATED FACTS 3](#_Toc140598303)

[**7.** PARTIES’ CLAIMS AND DEFENSES 4](#_Toc140598304)

[**8.** REMAINING TRIABLE ISSUES 4](#_Toc140598305)

[**9.** DISCOVERY 4](#_Toc140598306)

[**10.** DISCLOSURES AND EXHIBIT LIST 5](#_Toc140598307)

[**11.** WITNESS LISTS 5](#_Toc140598308)

[**12.** MOTIONS IN LIMINE AND LAW AND MOTION MATTERS 5](#_Toc140598309)

[**13.** BIFURCATION 5](#_Toc140598310)

[**14.** ADMISSIONS 5](#_Toc140598311)

Following pre-trial proceedings, pursuant to Federal Rule of Civil Procedure 16 and Local Rule 16, IT IS ORDERED:

### THE PARTIES AND PLEADINGS

 Plaintiff’s second cause of action for breach of fiduciary duty has been dismissed.

### JURISDICTION

It is stipulated that subject matter jurisdiction over this action exists under 28 U.S.C. § \_\_\_, and venue is proper in this District and this Division pursuant to 28 U.S.C. § \_\_\_.

### TRIAL DURATION

The trial is estimated to take \_\_\_.

### JURY TRIAL

The trial is to be a jury trial.

Plaintiff and Defendant shall serve and file “Agreed Upon Set of Jury Instructions and Verdict Forms” as well as the “Joint Statement re Disputed Instructions, Verdicts, etc.” by no later than \_\_\_.

### ADMITTED FACTS

The following facts are admitted and require no proof:

### STIPULATED FACTS

The following facts, though stipulated, shall be without prejudice to any evidentiary objection:

### PARTIES’ CLAIMS AND DEFENSES

**Plaintiff’s Claims:**

(a) Plaintiff plans to pursue the following claims against Defendant:

**Claim 1:**

**Claim 2:**

(b) The elements required to establish Plaintiff’s claims are:

**Claim 1:**

**Claim 2:**

(c) The Key Evidence Plaintiff Relies on for Each Claim

**Claim 1:**

**Claim 2:**

**Defendant’s Affirmative Defenses:**

(a) Defendant plans to pursue the following affirmative defenses:

**Defense 1:**

**Defense 2:**

(b) The elements required to establish Defendant’s affirmative defenses are:

**Defense 1:**

**Defense 2:**

### REMAINING TRIABLE ISSUES

In view of the admitted facts and the elements required to establish the claims and affirmative defenses, the following issues remain to be tried:

### DISCOVERY

All discovery is complete.

### DISCLOSURES AND EXHIBIT LIST

All disclosures under Fed. R. Civ. P. 26(a)(3) have been made.

The joint exhibit list of the parties has been filed under separate cover as required by L.R. 16-6.1 (“Joint Exhibit List”). In view of the volume of exhibits marked by each party, the parties have incorporated in the attached “Joint Exhibit List” all agreements regarding admitted exhibits, and all objections, including the grounds therefor.

### WITNESS LISTS

Witness lists of the parties shall be filed with the Court not later than \_\_\_.

Only the witnesses identified on the lists will be permitted to testify (other than solely for impeachment).

### MOTIONS IN LIMINE AND LAW AND MOTION MATTERS

Motions *in Limine* or law and motion matters shall be filed with the Court not later than \_\_\_. The parties have met and conferred on the motions *in limine*.

The following motions *in limine*, and no others, are pending or contemplated:

The parties advise the Court that the following law and motion matters may arise during trial:

### BIFURCATION

Bifurcation of the following issues for trial is ordered.

### ADMISSIONS

The foregoing admissions having been made by the parties, and the parties having specified the foregoing issues remaining to be litigated, this Final Pre-Trial Order shall supersede the pleadings, and govern the course of the trial of this cause, unless modified to prevent manifest injustice.

 **IT IS SO ORDERED.**

|  |  |
| --- | --- |
| DATED:  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ HONORABLE ANDRÉ BIROTTE JR. UNITED STATES DISTRICT COURT JUDGE |

Approved as to form and content:

|  |  |
| --- | --- |
| Dated: \_ | Counsel for PlaintiffBy: Counsel for Plaintiff |
| Dated:  | Counsel for DefendantBy: Counsel for Defendant |