UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

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| **[PLAINTIFF’S NAME]**,  Plaintiff,  v.  **[DEFENDANT’S NAME]**,  Defendant. |  | Case No. 0:00-cv-00000 HDV  **[PROPOSED] FINAL PRETRIAL CONFERENCE ORDER**  Trial Date:  Final Pretrial Conference: |

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

# THE PARTIES AND PLEADINGS

[*E.g*., 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.

The parties’ jury instructions and verdict forms have been previously filed under separate cover as required by the Court’s Scheduling Order. Attached as Exhibit A are the parties’ proposed jury instructions and verdict forms.

# 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**:

1. Plaintiff plans to pursue the following claims against Defendant:

**Claim 1:**

**Claim 2:**

1. The elements required to establish Plaintiff’s claims are:

**Claim 1:**

**Claim 2:**

1. Key Evidence Plaintiff Relies on for Each Claim

**Claim 1:**

**Claim 2:**

**Defendant’s Affirmative Defenses:**

1. Defendant plans to pursue the following affirmative defenses:

**Defense 1:**

**Defense 2:**

1. 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 parties’ joint exhibit list has been previously filed under separate cover as required by L.R. 16-6.1 and the Court’s Scheduling Order (“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

The parties’ witness lists have been previously filed under separate cover as required by the Court’s Scheduling Order. The following table incorporates those witnesses that the parties intend to call at trial:

[insert table identifying witnesses]

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

# MOTIONS IN LIMINE

The parties’ motions *in limine* have been previously filed under separate cover as required by the Court’s Scheduling Order. The parties have met and conferred on these initial motions. The following motions *in limine*, and no others, are ***still pending and at issue***:

[insert table identifying motions *in limine* that are still at issue]

# 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:

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|  |  |
|  | Hernán D. Vera  United States District Judge |

Approved as to form and content:

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| --- | --- |
| Dated: \_ | Counsel for Plaintiff  By:  Counsel for Plaintiff |
| Dated: | Counsel for Defendant  By:  Counsel for Defendant |