

PROPOSED PRE-TRIAL ORDER FORM

AS TO ALL CIVIL CASES PENDING BEFORE
CHIEF U. S. DISTRICT JUDGE W. LOUIS SANDS
ALBANY AND THOMASVILLE DIVISIONS

U. S. DISTRICT COURT - MIDDLE DISTRICT OF GEORGIA

4/23/03 REVISION:

SEE PARAGRAPH 18 (relating to deposition testimony)

SEE PARAGRAPH 24 (added to pre-trial order)

11/18/02 REVISION:

SEE PARAGRAPH 14 (relating to display devices in the courtroom)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

_____ DIVISION

:

: CIVIL ACTION NO.

: _____

:

:

PROPOSED PRE-TRIAL ORDER - JURY CASE

The following constitutes a pre-trial order entered in the above-styled case after conference with counsel for the parties:

(1) The name, address, and telephone number of the attorneys who will conduct the trial are as follows:

Plaintiff _____
Defendant _____
Other _____

(2) Companion cases pending in this and other Federal or State Courts are: _____.

(a) Possible derivative claims not now the subject of pending litigation: _____.

(b) **The estimated time required for trial is: _____ days.**

(3) (a) The parties agree that the court has jurisdiction of the parties and the subject matter (cite jurisdictional statutes) OR The jurisdiction of the court was questioned because _____; after hearing from the parties, the court decided _____.

(b) There are no motions or other matters pending for consideration by the court except as follows: _____.

(4) The jury will be qualified as to relationship with the following: _____.

(5) (a) All discovery has been completed, unless otherwise noted, and the court will not consider any further motions to compel discovery except for good cause shown. The parties, however, shall be permitted by agreement to take depositions of any person(s) for the preservation of evidence or for use at trial.

(b) Unless otherwise noted, the names of the parties as shown in the caption of this order are correct and complete, and there is no question by any party as to the misjoinder or non-joinder of any parties.

(6) The following is the plaintiff's brief and succinct outline of the case and contentions:_____.

(7) The following is the defendant's brief and succinct outline of the case and contentions:_____.

(8) The issues for determination by the jury are as follows:

_____.
(9) If a tort action, specifications of negligence, including applicable code sections, are as follows:_____.

(10) If contract action, terms of the contract are as follows (or, the contract is attached as Exhibit ___ to this order):_____.

(11) The types of damages and the applicable measure of those damages are stated as follows:_____.

(12) All material undisputed facts established by the pleadings, depositions, or admissions of the parties are attached as Exh. A, are signed by counsel, and will be submitted to the jury at the beginning of the trial.

(13) Pursuant to the court's usual practice, pleadings will not be submitted to the jury.

(14) The following is a list of all documentary and physical evidence that will be tendered at the trial by the plaintiff or defendant. Unless noted, the parties have stipulated as to the authenticity of the documents listed, and the exhibits listed may be admitted without further proof of authenticity. All exhibits shall be marked by counsel prior to trial so as not to delay the trial before the jury.

(a) By the plaintiff:_____.

(b) By the defendant:_____.

NOTE: Counsel are notified that they may use the available electronic and display devices for displaying visually or reproducing audio evidence for the Court's and/or jurors' consideration, but must make timely and appropriate arrangements in advance of trial for familiarization with said equipment by contacting the courtroom deputy. Counsel will not be allowed such access for familiarization after the trial or hearing has commenced in order to prevent delay of the proceedings.

(15) Special authorities relied upon by plaintiff relating to peculiar evidentiary or other legal questions are as follows:_____.

(16) Special authorities relied upon by defendant relating to peculiar evidentiary or other legal questions are as follows:_____.

(17) **Requests to charge on all known issues are attached.**

NOTE: Counsel are directed to submit their charges on disk as ordered by the Court AT THE PRE-TRIAL CONFERENCE (on WordPerfect or RTF (Rich Text Format) on 3-1/2 inch diskettes).

(18) The testimony of the following persons will be introduced by depositions:_____. **Any objection to the depositions or questions or arguments in the depositions shall be filed not less than 15 days before trial; responses to objections shall be filed not more than 5 days after service of objections.**

- (19) The following are lists of witnesses the
- (a) plaintiff will have present at trial: _____
 - (b) plaintiff may have present at trial: _____
 - (c) defendant will have present at trial: _____
 - (d) defendant may have present at trial: _____

Opposing counsel may rely on representation by the designated party that he/she will have a witness present unless notice to the contrary is given in sufficient time prior to trial to allow the other party to subpoena the witness or obtain his testimony by other means. Only those witnesses listed in the pre-trial order will be allowed to testify and only in the manner listed.

(20) The form of all possible verdicts to be considered by the jury are as follows: _____.

(21) The possibility of settling the case is: _____.

(22) A list of voir dire questions each party desires the court to ask prospective jurors is attached. (Voir dire questions will be limited to 15).

(23) A jury of twelve will be selected. The parties stipulate that in the event the court excuses one or two trial jurors, the verdict of the remaining jurors will be satisfactory.

(24) If an insurance company is a party to the case, same shall be disclosed, including the name of the insurance company, any subsidiary companies, and its parent company, and the parties shall state whether the same is a mutual company or a stock company.

(25) Other matters: _____.

Submitted by:

It is hereby ORDERED that the foregoing, including the attachments thereto, constitutes the pre-trial order in the above case and supersedes the pleadings which may not be further amended except by order of the court to prevent manifest injustice.

This _____ day of _____, _____.

W. LOUIS SANDS, CHIEF JUDGE
UNITED STATES DISTRICT COURT