

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

[NAME]

Plaintiff

v.

CASE No. : [CASE NUMBER]

[NAME]

Defendant

PRETRIAL ORDER

1. A pretrial conference was held on [DATE] at [TIME] at the Cochran United States Courthouse in Aberdeen, Mississippi before United States Bankruptcy Judge Jason D. Woodard.

2. The following counsel appeared:

Name

Contact Information

a. For the Plaintiff:

b. For the Defendant:

c. For Other Parties:

3. The pleadings are amended to conform to this pretrial order for purposes of the trial of this action, and matters previously decided by the Court need not be included in this order.
4. The following claims, counterclaims, cross-claims or third-party claims have been filed **and** are still being pursued by the parties:
5. The Court has jurisdiction under [RELEVANT STATUTE]:
6. The parties () have () have not previously consented to the entry of final judgment by this Court. If not, the following jurisdictional questions remain:
7. Pending Motions: (Pending motions not noted here may be deemed moot)

OR

There are no pending motions.

8. The parties accept the following concise summaries of the ultimate facts as claimed by:
 - a. Plaintiff:
 - b. Defendant:
 - c. Other:

9.
 - a. The following facts are established by the pleadings, by stipulation, or by admission:
 - b. The contested issues of fact are as follows:
 - c. The contested issues of law are as follows:
10. The following is a list and brief description of all exhibits (except exhibits to be used for impeachment purposes only) to be offered in evidence by the parties. Each exhibit has been marked for identification and examined by counsel. The authenticity and admissibility in evidence of all exhibits are stipulated. If the authenticity or admissibility of any exhibit is objected to, the exhibit must be identified below, together with a statement of the specified evidentiary grounds for the objections:
 - a. To be offered by the Plaintiff:
 - b. To be offered by the Defendant:

During the trial, if counsel fails to refer to an exhibit or fails to make known to the Court the relevance or significance of any exhibit in evidence, that exhibit may not be considered by the Court in its deliberations.

11. The following is a list and brief description of charts, graphs, models, schematic diagrams, and similar objects which will be used in opening statements or closing arguments, but which will not be offered in evidence:

Objections, if any, to use of the proceeding objects are as follows:

12. The following is a list of witnesses the parties anticipate calling **LIVE** at trial (excluding witnesses to be used solely for rebuttal or impeachment). All listed witnesses must be present to testify when called by a party unless specific arrangements have been made with the Court before commencement of trial. The listing of a **WILL CALL** witness constitutes a professional representation, upon which opposing counsel may rely, that the witness will be present at trial, absent reasonable written notice to counsel to the contrary. If a witness is to be offered by deposition, state whether the entire deposition, or only portions, will be used. Counsel must confer, no later than twenty-one days before commencement of trial, to resolve all controversies concerning all depositions (electronically recorded or otherwise). All controversies not resolved by the parties must be submitted to the Court not later than ten days before trial. All objections not submitted within that time are waived.

<u>Name</u>	<u>[W]ill/ [M]ay Call</u>	<u>[F]act/ [E]xpert [L]iability/ [D]amages</u>	<u>City & State</u>
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a. For the Plaintiff

Will testify by deposition:

b. For the Defendant

Will testify by deposition:

Extraneous and unnecessary matters, including non-essential colloquy of counsel, shall not be permitted to be read into evidence.

13. This [is] [is not] a jury case.

14. Counsel suggests the following additional matters to aid in the disposition of this civil action:

15. Counsel estimates the length of the trial will be [_____] days.

16. This pretrial order has been formulated with participation of the parties or reasonable opportunity to do so having been given the parties, and reasonable opportunity was

afforded for the corrections or additions before signing. This order will control the course of the trial, as provided for by Rule 16 of the Federal Rules of Civil Procedure, and it may not be amended except by consent of the parties and the Court, or by order of the Court to prevent manifest injustice.

##END OF ORDER##