IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF ILLINOIS

Click here to enter text.,

Plaintiff(s),

v.

Click here to enter text.

Defendant(s).

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Case No. Click here to enter text.

**FINAL PRETRIAL ORDER**

**SISON, Magistrate Judge:**

1. **COUNSEL OF RECORD**

**Attorney(s) for Plaintiff(s):**

[Insert name, address, telephone number, and email address].

**Attorney(s) for Defendant(s):**

**[**Insert name, address, telephone number, and email address].

1. **NATURE OF THE CASE**

[The parties should prepare and insert here a brief statement generally describing (in simple terms) the claim(s) made by the plaintiff(s) (i.e., personal injury, breach of contract, employment discrimination, etc.) and each defendant’s position regarding those claims (e.g., Defendant XYZ Co. denies that it discriminated against Plaintiff Jones). The Court will read this statement to prospective jurors during voir dire and to selected jurors as part of the “preliminary” instructions given at the beginning of trial].

1. **SUBJECT MATTER JURISDICTION**

This is an action for [state the remedy sought, such as damages, injunctive, or declaratory relief].

The basis for the Court’s subject matter jurisdiction is [state the statutory, constitutional, or other basis of jurisdiction. If jurisdiction is based on diversity of citizenship, identify the citizenship of each party and the basis for satisfying the amount in controversy requirement].

The existence of subject matter jurisdiction is not contested [or, if it is, explain the basis on which jurisdiction is contested and by which party].

1. **UNCONTROVERTED FACTS**

The following facts are not disputed:

[The parties should insert here any facts which are not in dispute or which have been agreed to or stipulated to by the parties. Note that these facts will become a part of the evidentiary record in the case and in jury trials, may be read to the jury].

1. **CONTROVERTED FACTS**

[The parties should insert here any facts which are in dispute].

1. **AGREED TO ISSUES OF LAW**

The parties agree that the Court is to decide the following legal issues: [insert disputed legal issues in detail].

1. **WITNESSES**

**NOTE: Identification of witnesses in this Final Pretrial Order does not relieve the parties of their obligation to timely file pretrial disclosures required by Federal Rule of Civil Procedure 26(a)(3). The parties should simply list below the witnesses that have been disclosed pursuant to Rule 26(a)(3) whom they intend to call at trial. Every party to the action should include a list of witnesses in the form set forth below. Any witness not properly disclosed will not be allowed to testify.**

Plaintiff intends to call the following witnesses:

Expert witnesses: [insert names].

Non-expert witnesses: [insert names].

Defendant intends to call the following witnesses:

Expert witnesses: [insert names].

Non-expert witnesses: [insert names].

1. **EXHIBITS**

[Identify here the date on which each party filed its pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2)(3) and whether there are unresolved objections to any exhibit].

**NOTE:** The parties shall identify the exhibits they intend to use at trial in the disclosures timely made pursuant to Federal Rule of Civil Procedure 26(a)(3). When possible, objections filed pursuant to Rule 26(a)(3) will be resolved at the Final Pretrial Conference. The parties shall bring their Rule 26(a)(3) disclosures and any objections to the Final Pretrial Conference.

In addition to the provisions of Rule 26, the parties shall prepare an Exhibit List stating the number and brief description of each exhibit they expect to present at trial. The Exhibit List must be submitted at least **four business days** before the first day of trial using the approved form (a revision of AO Form 187). A copy of that blank form will be provided to counsel by the Courtroom Deputy Clerk, normally when the Final Pretrial Conference is scheduled. The parties may also request the template by contacting Judge Sison’s Courtroom Deputy Clerk, Catina Simpson, at (618) 482-9012 or by email at Catina\_Simpson@ilsd.uscourts.gov.

1. **DAMAGES**

[The parties should insert here (or attach a separate sheet containing) an itemization of all damages sought in this case.]

1. **BIFURCATED TRIAL**

[Indicate here whether the parties request a bifurcated trial, and if so, why.]

1. **TRIAL BRIEFS**

[Indicate here whether the parties have filed trial briefs or intend to do so].

**NOTE:** Judge Sison does not *require* trial briefs. In certain cases, Judge Sison may direct the parties to file trial briefs on a particular legal issue. Moreover, if there are complex evidentiary or other issues which trial briefs would help clarify, the parties should file trial briefs no later than **14 calendar days** prior to the first day of trial. Trial briefs should not be used to rehash issues previously rejected by the Court via ruling on a dispositive motion.

1. **MOTIONS *IN LIMINE***

**[Counsel shall identify here whether motions *in limine* have been filed and not ruled upon and/or whether the parties expect to file additional motions *in limine*.]**

**NOTE:** Unless the Court, by written Order or Notice in a particular case, has set a different deadline, all motions *in limine* must be filed **no later than 21 calendar days before the Final Pretrial Conference**. Responses to motions *in limine* must be filed **no later than 7 days after the date the motion is filed**. If time permits, Judge Sison will hear argument on motions *in limine* at the Final Pretrial Conference, or he may schedule a separate hearing on motions *in limine.* Given the nature of motions *in limine*, the failure to file motions by the deadline generally will not prejudice a party’s ability to move *in limine* before the jury is impaneled. Later-filed motions, however, may be stricken if their consideration would delay the start of trial.

1. **LIMITATIONS, RESERVATIONS, AND OTHER MATTERS**
2. **Trial Date.** Trial of this cause is set for the week of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
3. **Length of Trial**. The probable length of trial is days.

C. **Number of Jurors.** There shall be a minimum of six jurors.

D. **Jury Voir Dire.** The Court will conduct voir dire. Limited participation by counsel may be permitted. If voir dire questions are to be tendered, they should be submitted with the Final Pretrial Order.

1. **JURY INSTRUCTIONS**

[The parties shall identify here whether they anticipate issues with respect to preparation of the proposed jury instructions].

**NOTE:** The parties shall submit their proposed jury instructions **in paper form in chambers** to the law clerk assigned to the case **no later than 7 days before the final pretrial conference**. Instructions are not to be filed with the Clerk of Court or emailed to chambers. The Court prefers the use of Seventh Circuit Civil Pattern Jury Instruction. Proposed instructions should be in regular case, and each instruction must be submitted both in “marked” and in “clean form.” The clean instructions should contain only the text of the instruction and no other writing. The marked instructions must contain the text of the instruction, without heading. At the bottom, the marked copy should list the name of the party submitting it (e.g., “Plaintiff’s Proposed Instruction No. 1”) and a reference to the source of the instruction (e.g., 7th Cir. Civil Pattern Instruction No. 1.01). If any instruction is modified in any way, counsel should designate the instruction as modified.

Counsel shall paper clip each marked instruction to the corresponding clean instruction, placing the marked version on top. For example, the marked version of Defendant’s Proposed Instruction No. 1 should be clipped on top of the clean version of Defendant’s Proposed Instruction No. 1, and so forth. The parties shall also exchange proposed instructions prior to the final pretrial conference. When possible, ***the parties should work together in an effort to produce one set of proposed instructions***. If the parties are unable to agree on certain instructions, each party may submit a version of the contested instructions. Plaintiff is primarily responsible for the burden of proof instructions, the damage instructions, the verdict instructions and the verdict forms. Defendant is primarily responsible for the cautionary instructions.

**APPROVED AS TO FORM AND SUBSTANCE:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Attorney for Plaintiff(s)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Attorney for Defendant(s)**

**This Order should be submitted as a proposed order directly to chambers at** [**GCSpd@ilsd.uscourts.gov**](mailto:GCSpd@ilsd.uscourts.gov) **with counsel’s s/ signatures affixed above.**

**IT IS SO ORDERED.**