

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

_____)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. ____-cv-_____
)	
_____)	Judge Michael J. Reagan
)	
Defendant(s).)	

**FINAL PRETRIAL ORDER
FOR JUDGE REAGAN'S CIVIL CASES**

I. COUNSEL OF RECORD

Attorney(s) for Plaintiff(s):

Insert name, address, telephone number, and fax number.

Attorney(s) for Defendant(s):

Insert name, address, telephone number, and fax number.

II. NATURE OF THE CASE

The parties should prepare and insert here a brief statement generally describing (in simple terms) the plaintiff's claim(s) (i.e., personal injury, breach of contract, employment discrimination, etc.) and the defendant's position regarding those claims (e.g., Defendant XYZ Co. denies that it discriminated against Plaintiff Jones). The principal purpose of this statement is to assist the Court in explaining the case to prospective jurors.

III. SUBJECT MATTER JURISDICTION

A. This is an action for:

State the remedy sought, such as damages, injunctive or declaratory relief.

B. The jurisdiction of the Court is not disputed (or is disputed).

1. If not disputed, state the basis of jurisdiction.
2. If disputed, the basis on which jurisdiction is contested.

IV. AGREED TO ISSUES OF FACT

The parties should insert here any facts which have been agreed to or stipulated. 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.

V. AGREED TO ISSUES OF LAW

The parties agree that the Court is to decide the following legal issues:

VI. WITNESSES

A. Plaintiff intends to call the following witnesses:

1. List all expert witnesses.
2. List all non-expert witnesses.

B. Defendant intends to call the following witnesses:

1. List all expert witnesses.
2. List all non-expert witnesses.

C. The Court will not permit counsel to call any witness who was not included on the calling party's witness list.

VII. EXHIBITS

The parties shall prepare an Exhibit List stating the number and brief description of each exhibit they expect to present at trial. Plaintiff's exhibits should be pre-marked and numbered as Plaintiff's Exhibit 1, Plaintiff's Exhibit 2, et seq. Defendant's Exhibits should be pre-marked and numbered as Defendant's Exhibit 1, Defendant's Exhibit 2, et seq. Letters should *not* be used to identify exhibits, unless the letter designates a sub-part of a numbered exhibit (i.e., Defendant's Exhibits 17A & 17B).

Counsel shall attach a copy of their Exhibit List to this Order when tendering the Order to Judge Reagan at the Final Pre Trial Conference. Counsel must also submit a copy of their Exhibit List on disk to Judge Reagan's Courtroom Deputy at the Final Pre Trial Conference. The disk shall be formatted in WordPerfect© 9 or a compatible word processing program.

Both the printed Exhibit List and the Exhibit List submitted on disk must list the exhibits on Judge Reagan's approved form (a revision of AO Form 187). A copy of that blank approved form is provided herewith.

Additionally, counsel may print the approved Exhibit List form from Judge Reagan's web page, a part of the web site for the U.S. District Court for the Southern District of Illinois. Alternatively, counsel may obtain the form via e-mail by contacting Judge Reagan's Courtroom Deputy, Annie McGraw, at 618-482-9298.

VIII. DAMAGES

Insert here (or attach a separate sheet containing) an itemization of all damages.

IX. BIFURCATED TRIAL

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

X. TRIAL BRIEFS

Judge Reagan does not *require* trial briefs. If there are complex evidentiary or other issues which trial briefs would help clarify, the parties may file trial briefs no later than ten business days prior to the Final PreTrial Conference. Trial briefs should *not* be used to rehash issues previously rejected by the Court via ruling on dispositive motion.

XI. MOTIONS IN LIMINE

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 ten business days prior to the Final PreTrial Conference**. Responses to such motions shall be filed no later than five business days prior to the Final PreTrial Conference. As a general rule, Judge Reagan will hear and rule on all motions in limine at the Final PreTrial Conference. Thus, counsel should be prepared to argue any motions in limine at that time.

XII. DEPOSITIONS

Counsel should confer prior to trial to determine which deposition objections can be resolved without Court intervention. To the extent some agreement can be achieved, all copies of the deposition (and the Court's original) should be marked to strike the testimony that will not be read to the jury.

If objections remain that require ruling by the Court, counsel shall so advise the Court during the discussion of preliminary matters prior to jury selection on the first day of trial. At that time, counsel must provide to the Court copies of the deposition(s) with all disputed portions marked via post-it note, tape flag, or separate sheet of objections with page and line references.

XIII. OTHER TRIAL-RELATED MATTERS

- A. Trial Date – Trial of this cause is set to commence at _____ a.m. on _____.
- B. Trial Length – The probable length of this trial is _____ days.
- C. Trial Type – This case shall proceed as a **jury** trial.
OR
 This case shall proceed as a **bench** trial.
- D. Voir Dire – Judge Reagan will conduct a general voir dire of all prospective jurors, inquiring about the juror's employment, prior jury service, etc. Counsel then will be permitted to conduct voir dire. As a general rule, Judge Reagan does not set a time limit on counsel's voir dire. Counsel need not submit written proposed voir dire questions to Judge Reagan prior to trial.
- E. Number of Jurors – There shall be a minimum of six jurors in a civil case. Generally, two "alternates" are also selected, and a total of eight jurors are seated for civil cases.
- F. Witness Exclusion – On motion of counsel, Judge Reagan will enter an Order excluding witnesses from the courtroom during trial. Although a sign will be posted on the courtroom door whenever a witness exclusion order has been entered, counsel bear primary responsibility for monitoring the enforcement of the order.

XIV. JURY INSTRUCTIONS

Each party must submit a complete set of jury instructions to the Court **no later than five business days prior to the commencement of trial**. Jury instructions are *not filed* with the Clerk of Court. Rather, they are submitted to Judge Reagan's chambers to the Law Clerk assigned to the particular case. Instructions should be printed on bond paper, 8½" by 11". Text should *not* be in all capital letters.

Each instruction should be submitted both in "marked" and "clean" form. The clean instruction should contain only the text of the instruction itself and should not contain any other writing, not even "Instruction No. ____." The marked instruction should contain the text of the instruction (with no heading) but should include at the *bottom* of the instruction the name of the party submitting it (e.g., "Plaintiff's Proposed Instruction No. 1") and a reference to the source of the instruction (i.e., "IPI 1.01"). Counsel should designate the instruction as modified (e.g., "IPI 1.01 MODIFIED") if the instruction has been modified in any way whatsoever.

Counsel should paperclip each marked instruction to the corresponding clean instruction (placing the marked instruction on top). So, for example, the marked

version of Defendant's Proposed Instruction No. 1 should be clipped to the clean version of Defendant's Proposed Instruction No. 1, and so forth. The entire set of clipped instructions should be placed in a manilla folder or large envelope and delivered to **Judge Reagan's chambers** no later than five business days prior to trial (marked to the attention of the Law Clerk assigned to the case). Questions regarding who the assigned Law Clerk is may be directed to Judge Reagan's chambers at 618-482-9225.

The instructions must also be submitted **via disk** formatted in WordPerfect© 9 or compatible word processing format. The Court will prepare a chart listing each tendered instruction and leave a spot for counsel to mark the Court's ruling on that instruction.

In most civil cases, the Court gives five preliminary or cautionary instructions at the commencement of the trial. Copies of those instructions may be obtained from the Law Clerk assigned to the case or viewed on Judge Reagan's web page.

XV. ATTORNEY SIGNATURES

Approved as to Form and Substance by:

Counsel for Plaintiff(s)

Counsel for Defendant(s)

XVI. COURT'S APPROVAL OF FINAL PRETRIAL ORDER

The Court hereby **ADOPTS** and **ENTERS** this Final PreTrial Order. This Order may be modified:

- (A) upon motion of a party (*or sua sponte* by the Court); and
- (B) if by motion, only if the movant has demonstrated good cause for modification or established that manifest injustice will result from failure to modify the Order.

DATED: This _____ day of _____, 200__.

Michael J. Reagan
United States District Judge