

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Edward W. Nottingham**

Civil Action No.

@,

Plaintiff,

v.

@,

Defendant.

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**FINAL PRETRIAL ORDER**

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**1. DATE OF CONFERENCE**

**2. JURISDICTION**

*[Provide a statement of the basis for subject matter jurisdiction with appropriate statutory citations. If jurisdiction is denied, give the specific reason for the denial.]*

**3. CLAIMS AND DEFENSES**

*[Summarize the claims and defenses of all parties, including the respective versions of the facts and legal theories. **Do not copy the pleadings.** Identify the specific relief sought. Eliminate claims and defenses which are unnecessary, unsupported, or no longer asserted.]*

**4. STIPULATIONS**

*[Set forth all stipulations concerning facts, evidence, and the applicability of statutes, regulations, rules, ordinances, etc.]*

**5. PENDING MOTIONS**

*[List any pending motion to be decided before trial, giving the filing date and the filing date of any briefs in support or opposition. Include any motions on which the court has expressly postponed ruling until trial on the merits. If there are no pending motions, please state, "None."]*

## 6. WITNESSES

### a. Non-Expert Witnesses

*[List the non-expert witnesses to be called by each party. List separately:]*

- (1) witnesses who will be present at trial (*see* Fed. R. Civ. P. 26[a][3][A])
- (2) witnesses who may be present at trial if the need arises (*see* Fed. R. Civ. P.26[a][3][A])

### b. Expert Witnesses

*[List the expert witnesses to be called by each party. List separately:]*

- (1) witnesses who will be present at trial (*see* Fed. R. Civ. P. 26[a][3][A])
- (2) witnesses who may be present at trial if the need arises (*see* Fed. R. Civ. P.26[a][3][A])

**[ADDITIONAL INSTRUCTION:** *With each witness's name, set forth (1) the witness's address and telephone number and (2) whether he or she is currently expected to testify in person or by deposition.*]

## 7. EXHIBITS

### a. List of Exhibits

*[List the exhibits to be offered by each party. This list should be specific enough so that other parties and the court can understand, merely by referring to the list, each separate exhibit which will be offered. General references such as "all deposition exhibits" or "all documents produced during discovery" are unacceptable. If desired, the exhibit list form at the end of these materials may be used. The form is available from the court's web site at the same location as this Final Pretrial Order form.]*

- (1) Plaintiff(s):
- (2) Defendant(s):
- (3) Other parties:

*[The following paragraph shall be included in the Final Pretrial Order:]*

b. Copies of listed exhibits must be provided to opposing counsel no later than five days after the Final Pretrial Conference. The objections contemplated by Fed. R. Civ. P. 26(a)(3) shall be filed with the clerk and served (by hand delivery or facsimile) no later than eleven days after the exhibits are provided.

## 8. DISCOVERY

*[Use the following language:]*

Discovery has been completed. **[Unless otherwise ordered, upon a showing of good cause in an appropriate motion, there will be no discovery after entry of the Final Pretrial Order.]**

## 9. SPECIAL ISSUES

*[List any unusual issues of law which the court may wish to consider prior to trial. If none, please state, "None."]*

**10. EFFECT OF FINAL PRETRIAL ORDER**

[The following paragraph shall be included in the Final Pretrial Order:]

Hereafter, this Final Pretrial Order will control the subsequent course of this action and the trial, and may not be amended except by consent of the parties and approval by the court or by order of the court to prevent manifest injustice. The pleadings will be deemed merged herein. This Final Pretrial Order supersedes the Preliminary Pretrial Order and the Scheduling Order. In the event of ambiguity in any provision of this Final Pretrial Order, reference may be made to the record of the pretrial conference to the extent reported by stenographic notes and to the pleadings.

**11. TRIAL AND ESTIMATED TRIAL TIME; TRIAL PREPARATION CONFERENCE**

a. State (1) whether trial is to the court or a jury, (2) estimated trial time, (3) situs of trial, and (4) any other orders pertinent thereto.

b. Trial Date: \_\_\_\_\_.<sup>1</sup>

c. Trial Preparation Conference Date and Time: \_\_\_\_\_. At the trial preparation conference, counsel are directed to comply with the Instructions Concerning Preparation for Trial Preparation Conference delivered to all parties at the Final Pretrial Conference.<sup>2</sup>

\* \* \* \* \*

Please use the following format in the Final Pretrial Order:

DATED this \_\_ day of \_\_\_\_\_, 200\_.

BY THE COURT:

\_\_\_\_\_  
EDWARD W. NOTTINGHAM  
United States District Judge

FINAL PRETRIAL ORDER TENDERED  
FOR REVIEW:

\_\_\_\_\_  
(Name)  
(Address)  
(Telephone Number)  
Attorney for Plaintiff

\_\_\_\_\_  
(Name)  
(Address)  
(Telephone Number)  
Attorney for Defendant

Please affix counsel's signatures before submission of the Final Pretrial Order to the court.

<sup>1</sup>NOTE TO COUNSEL AND THE PARTIES: the court will set the trial date at the Final Pretrial Conference; or, if it cannot do so, it will enter further orders concerning a trial setting and further proceedings.

<sup>2</sup>NOTE TO COUNSEL AND THE PARTIES: the court will set the date for the Trial Preparation Conference and distribute copies of the "Instructions Concerning Preparation for Trial Preparation Conference" at the Final Pretrial Conference. If counsel want copies of those instructions in advance of the Final Pretrial Conference, they should obtain them from the courtroom deputy clerk or from the court's web site at the same location as this Final Pretrial Order form.