

Rule 3.06 | FINAL PRETRIAL PROCEDURES

(a) Final pretrial conferences may be scheduled by the Court pursuant to Rule 16(d), Fed.R.Civ.P., in any civil case on not less than twenty-one (21) days notice.

(b) In any case in which a final pretrial conference is scheduled by the Court (or in any case in which the Court directs the preparation and filing of a pretrial statement in accordance with this rule, but without scheduling a pretrial conference), it shall be the responsibility of counsel for all parties to meet together no later than fourteen (14) days before the date of the final pretrial conference (or at such other time as the Court may direct) in a good faith effort to:

- (1) discuss the possibility of settlement;
- (2) stipulate to as many facts or issues as possible;
- (3) examine all exhibits and Rule 5.04 exhibit substitutes or documents and other items of tangible evidence to be offered by any party at trial;
- (4) exchange the names and addresses of all witnesses; and
- (5) prepare a pretrial statement in accordance with subsection (c) of this rule.

(c) The pretrial statement shall be filed with the Court no later than seven (7) days before the date of the final pretrial conference (or at such other time as the Court may direct), and shall contain:

- (1) the basis of federal jurisdiction;
- (2) a concise statement of the nature of the action;
- (3) a brief, general statement of each party's case;
- (4) a list of all exhibits and Rule 5.04 exhibit substitutes to be offered at trial with notation of all objections thereto;
- (5) a list of all witnesses who may be called at trial;
- (6) a list of all expert witnesses including, as to each such witness, a statement of the subject matter and a summary of the substance of his or her testimony;

(7) in cases in which any party claims money damages, a statement of the elements of each such claim and the amount being sought with respect to each such element;

(8) a list of all depositions to be offered in evidence at trial (as distinguished from possible use for impeachment), including a designation of the pages and lines to be offered from each deposition;

(9) a concise statement of those facts which are admitted and will require no proof at trial, together with any reservations directed to such admissions;

(10) a concise statement of applicable principles of law on which there is agreement;

(11) a concise statement of those issues of fact which remain to be litigated (without incorporation by reference to prior pleadings and memoranda);

(12) a concise statement of those issues of law which remain for determination by the Court (without incorporation by reference to prior pleadings or memoranda);

(13) a concise statement of any disagreement as to the application of the Federal Rules of Evidence or the Federal Rules of Civil Procedure;

(14) a list of all motions or other matters which require action by the Court; and

(15) the signatures of counsel for all parties.

(d) If a final pretrial conference is scheduled by the Court, lead trial counsel for each party shall attend.

(e) All pleadings filed by any party prior to filing of the pretrial statement shall be deemed to be merged therein, or in any subsequent pretrial order entered by the Court. The pretrial statement and the pretrial order, if any, will control the course of the trial and may not be amended except by order of the Court in the furtherance of justice. If new evidence or witnesses are discovered after filing of the pretrial statement, the party desiring to use the same shall immediately notify opposing counsel and the Court, and such use shall be permitted only by order of the Court in the furtherance of justice