

**APPENDIX D TO COURT PROCEDURES
FOR HONORABLE ALAN B. JOHNSON**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

Plaintiff(s),)
)
)
v.) No. -CV- -J
)
)
)
Defendant(s).)

ORDER ON FINAL PRETRIAL CONFERENCE

This matter having come before the Court on _____, 20__, at final pretrial conference held before Alan B. Johnson, United States District Judge, pursuant to Fed. R. Civ. P. 16; and _____, having appeared as counsel for plaintiff and _____, having appeared as counsel for defendant and _____, having appeared as counsel for _____; the following action was taken:

1. JURISDICTION AND PARTIES: This is an action for _____. Jurisdiction of the Court is not disputed and is hereby determined to be present. Jurisdiction is deemed present pursuant to 28 U.S.C. § _____.

There is no remaining question as to the propriety of the parties. (Or, if there is, state the nature of the dispute.)

2. GENERAL NATURE OF THE CLAIMS OF THE PARTIES:

- (a) Plaintiff claims (set out a brief and concise summary without detail).
- (b) Defendant claims (set out a brief and concise summary without detail).
- (c) All other parties claim (Same type of statement where third parties are involved).

3. UNCONTROVERTED FACTS: The following facts are established by admissions in the pleadings or by stipulation of counsel at the pretrial conference:

- (a)

4. CONTESTED ISSUES OF FACT: The contested issues of fact remaining for decision are as follows:

- (a)

5. CONTESTED ISSUES OF LAW: The contested issues of law in addition to those implicit in the foregoing issues of fact are as follows:

(Or) There are no special issues of law reserved other than those implicit in the foregoing issues of fact.

6. EXHIBITS: There are identified and offered the following:

- (a) Plaintiff's exhibits:
- (b) Defendant's exhibits:
- [(c) Exhibits of other parties: (if involved, list)]
- (c) Counsel have provided their lists of exhibits and exhibits to opposing counsel.

Rebuttal exhibits have also been listed and provided to opposing counsel, except those limited exhibits that cannot reasonably be anticipated prior to trial.

- (d) Any counsel requiring authentication of an exhibit must so notify in writing the

offering counsel within seven (7) business days after the exhibit is made available to opposing counsel for examination. Failure to do so is an admission of authenticity.

(e) Objections to exhibits must be filed ten (10) business days before trial, with copies of the disputed exhibit and authority. Any other objections to admissibility of exhibits must, where possible, be made at least ten (10) business days before trial, and the Court notified of such objections. Where possible, admissibility will be ruled on before trial, and objections reserved for the record.

(f) Counsel for each party shall provide the Court with two copies of that party's exhibits in a properly tabbed and indexed notebook. One copy will be placed on or near the witness stand to be readily available for witnesses testifying during trial.

(Or discuss other concerns and issues as to exhibit presentation and management.)

(g) Counsel are also requested to contact the Court Reporter¹ ten (10) days prior to trial to provide appropriate witness and exhibit lists and make arrangements for any special reporting requirements that there may be for the trial of this matter.

7. DEPOSITIONS: Any party proposing to offer all or any portion of a deposition shall notify opposing counsel at least ten (10) business days before trial of the offers to be made (unless the necessity for using the deposition develops unavoidably thereafter). If objection is to be made, or if additional portions of a deposition are to be requested, opposing counsel will notify offering counsel at least seven (7) business days before trial of such objections or requests.

8. DISCOVERY: Discovery has been substantially completed. (Or) Discovery is to be

¹Judge Johnson's Official Court Reporter is Julie Hedelson Thomas. She may be reached at (307) 778-0078 or by email at hedelson@qwestoffice.net.

completed by _____. (Or) Further discovery is limited to _____ . (Or) The following provisions were made for discovery: (Specify)

9. WITNESSES:

(a) The parties have all listed and attached to their Joint Final Pretrial Memorandum the names and addresses of witnesses, and have indicated whether the witness will or may be called.

(b) In the absence of reasonable notice to opposing counsel to the contrary, plaintiff will call, or will have available at the trial: (List).

Plaintiff may call: (List).

(c) In the absence of reasonable notice to opposing counsel to the contrary, defendant will call, or will have available at the trial: (List).

Defendant may call: (List).

[(d) In the absence of reasonable notice to opposing counsel to the contrary,

_____ will call, or will have available at the trial: (List).

_____ may call: (List) (Use of third parties, if any).]

(d) The parties reserve the right to call any witness listed by the opposing party, and any witnesses required for rebuttal, to the extent that the need for rebuttal witnesses could not have been reasonably anticipated prior to trial.

(e) At time of trial, each counsel will furnish to the Court four (4) copies of the list of names of all anticipated witnesses.

10. REQUESTS FOR INSTRUCTIONS: (If the case is to be tried to a jury, include the following. Otherwise omit.) Parties must submit their proposed jury instructions, verdict forms, voir dire questions and separate concise statements of their contentions seven (7) business days

prior to trial, subject to the right of counsel to supplement such requests during the course of trial on matters that cannot be reasonably anticipated. Requests for instructions are to include one set with authority and one additional set ready for submission to the jury; no signature block on the bottom of each instruction is necessary. Stock instructions need not be provided. However, if the parties desire instructions that differ from the stock instructions, they may provide them with their proposed substantive instructions. Proposed Jury Instructions, Special Verdict forms and proposed voir dire shall be submitted in writing and filed, as usual, and also sent as an attachment via email directly to Judge Johnson's Chambers, wyojudgeabj@wyd.uscourts.gov, formatted for Wordperfect or Word.

11. AMENDMENTS TO PLEADINGS: There were no requests to amend pleadings.
(Or) The following order was made with regard to amendments to the pleadings: (Set out).

12. OTHER MATTERS: The following additional matters to aid in the disposition of the action were determined: (Set out to the extent determined with reference to schedule for briefs, requests for questions on voir dire examination of jury, advance proposals for findings of fact; also trial schedule, further pretrial conferences, preliminary rulings on questions of law, exchange of medical reports, indexing or abstracting of exhibits, specification of objections, etc.).

(a) Proposed voir dire questions shall be submitted with each parties' jury instructions. Each side will be given fifteen (15) minutes to conduct their own voir dire of the jury panel following voir dire by the Court.

(b) Motions in limine have been submitted to the Court contemporaneously with the parties' Joint Final Pretrial Memorandum. Motions may be considered and decided on the

parties' written submissions or may be heard prior to the commencement of the trial, unless otherwise scheduled for hearing at an earlier time and date.

(c) For all issues not triable to the jury in this case, the parties shall submit proposed Findings of Fact and Conclusions of Law to the Court thirty days after the transcript has been made available after the conclusion of the trial.

(d) The parties may also submit trial briefs to the Court seven (7) business days before the commencement of trial.

(e) Pending Motions: (List)

(f) Other matters: (List)

13. MODIFICATIONS--INTERPRETATION: This final pretrial order has been formulated after conference at which counsel for the respective parties have appeared. Reasonable opportunity has been afforded counsel for corrections or additions prior to signing by the Court. Hereafter this order will control the course of the trial and may not be amended except by consent of the parties and the Court, or by order of the Court to prevent manifest injustice. The pleadings will be deemed merged herein. In the event of ambiguity in any provision of this order, reference may be made to the record of this conference to the extent reported by stenographic notes, and to the pleadings.

14. TRIAL SETTING: The case is set for trial with _____ [without _____] a jury on _____, 20__, at ____ .m., in _____, Wyoming.

Robing room motions will be heard at _____ .m. on the day of trial.

15. MEMORANDUM: Estimated length of trial is _____ days. Possibility of settlement of this case is considered _____ good, _____ fair, _____ poor.

DATED this _____ day of _____ 20__.

ALAN B. JOHNSON
UNITED STATES DISTRICT JUDGE