

**JUDGE KLOSTERMAN'S GUIDELINES FOR PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW FOR BENCH TRIALS**

(a) Plaintiff shall first serve and file proposed findings and conclusions. Defendant shall then serve and file an answering proposal.

(b) Plaintiff's proposal shall include (1) a narrative statement of all facts proposed to be provided and (2) a concise statement of Plaintiff's legal contentions and the authorities supporting them:

(A) Plaintiff's narrative statement of facts shall set forth in simple declarative sentences all the facts relied upon in support of Plaintiff's claim for relief. It shall be complete in itself and shall contain no recitation of any witness' testimony or what any defendant stated or admitted in these or other proceedings, and no references to the pleadings or other documents. It may contain references in parentheses to the names of witnesses, depositions, pleadings, exhibits or other documents, but no party shall be required to admit or deny the accuracy of such references. It shall, so far as possible, contain no pejoratives, labels or legal conclusions. It shall be so constructed, in consecutively numbered paragraphs (though where appropriate a paragraph may contain more than one sentence), that the opposing parties will be able to admit or deny each separate sentence of the statement.

(B) Plaintiff's statement of legal contentions shall set forth all such contentions necessary to demonstrate the liability of Defendant. Such contentions shall be separately, clearly and concisely stated in separately numbered paragraphs. Each paragraph shall be followed by citations of authorities in support thereof.

(c) Defendant's responsive proposal shall correspond to Plaintiff's proposal:

(A) Each factual statement shall admit or deny each separate sentence contained in the narrative statement of fact of Plaintiff, except in instances where a portion of a sentence can be admitted and a portion denied. In those instances, Defendant shall state clearly the portion admitted and the portion denied. Each separate sentence of Defendant's response shall bear the same number as the corresponding sentence in Plaintiff's narrative statements of facts. In a separate portion of Defendant's narrative statement of facts, Defendant shall set forth all affirmative matter of a factual nature relied upon by Defendant, constructed in the same manner as Plaintiff's narrative statement of facts.

(B) Defendant's separate statement of proposed conclusions of law shall respond directly to Plaintiff's legal contentions and shall contain such additional contentions of Defendant as may be necessary to demonstrate the non-liability of Defendant. Defendant's statement of legal contentions shall be constructed in the same manner as is provided for in the similar statement of Plaintiff.