

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

| | | |
|-------------------|---|---------------------------|
| XXXXXXXXXX, |) | |
| |) | Case No. X:X-CV-XXXX |
| <i>Plaintiff,</i> |) | |
| |) | Judge Travis R. McDonough |
| v. |) | |
| |) | Magistrate Judge XXXXX |
| XXXXXXXXXX, |) | |
| |) | |
| <i>Defendant.</i> |) | |

AGREED FINAL PRETRIAL ORDER

This Court conducted a Final Pretrial Conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on *[insert date]*. *[Counsel for Plaintiff(s)]* appeared as counsel for the plaintiff(s) and *[Counsel for Defendant(s)]* appeared as counsel for the defendant(s). The following action was taken:

I. Jurisdiction

This is an action for *[breach of contract, personal injury, etc.]*. Jurisdiction of the Court is invoked pursuant to __ U.S.C. § _____. The jurisdiction of the Court is not disputed.

II. Pleadings

The pleadings are amended to conform to this pretrial order.

III. General Nature of the Claims of the Parties:

a. **Claims:** The following claims (including claims stated in the complaint, counterclaims, crossclaims, third-party claims, etc.) have been filed:

i. *[Insert list of claims.]*

b. **Stipulated Facts:** The following facts are uncontroverted.

- i. *[List uncontroverted facts that have been established by the pleadings, by stipulation, or by admission.]*
- c. **Plaintiff's Theory:** *[Set out a **concise** summary without detail.]*
- d. **Defendant's Theory:** *[Set out a **concise** summary without detail.]*
- e. **All Other Parties' Claims:** *[If third parties are involved, set out a **concise** summary without detail.]*

IV. Contested Issues of Law

The contested issues of law are *[set out the contested issues, including any pending motions]*. **OR** There are no special issues of law to be resolved.

- a. *[If applicable, list any motions that remain pending.]*

V. Exhibits

The parties have disclosed all exhibits in accordance with Fed. R. Civ. P. 26(a)(3)(C). All exhibits to be introduced have been pre-marked in such a way as to allow the Court to determine which party is offering them. The parties have prepared a joint list of exhibits. [(In non-jury matters) A copy of each exhibit has been furnished to the Court at the Final Pretrial Conference.] The parties have endeavored to stipulate to the admissibility of all exhibits to the extent possible. The parties cannot stipulate to the admissibility of the following exhibits: *[List any such exhibits along with a concise statement of the basis for disagreement / objection.]*

VI. Witnesses

The parties have disclosed all witnessed in accordance with Fed. R. Civ. P. 26(a)(3)(A). A list comprised of the names of all witnesses, their addresses and telephone numbers is as follows:

- a. **For Plaintiff(s):**

| <u>Name</u> | <u>Address</u> | <u>Telephone No.</u> |
|-------------------------|----------------------------------|----------------------|
| 1. <i>i.e. John Doe</i> | <i>865 2nd Ave., Chattanooga</i> | <i>423-123-1234</i> |

b. For Defendant(s):

| <u>Name</u> | <u>Address</u> | <u>Telephone No.</u> |
|-------------------------|----------------------------------|----------------------|
| 1. <i>i.e. Jane Doe</i> | <i>843 2nd Ave., Chattanooga</i> | <i>423-321-4321</i> |

VII. Other Matters

a. **Trial:** This case is set for trial before the undersigned and a jury [*or without the intervention of a jury*] at 9:00 a.m. on [*date*]. Counsel shall be present on the first day before commencement of trial to take up any preliminary matters. The probable length of trial is ___ days. The parties should be prepared for trial on the scheduled date. If this case is not heard immediately, it will be held in line until the Court's schedule allows the trial to begin.

[NOTE: As it has been contended that the failure to include a jury demand in the Final Pretrial Order is a waiver of the jury demand, you should set forth your jury demand if it is your intention to have a jury trial.]

b. **Possibility of Settlement:** [*Describe the possibility of settlement.*]

c. **Miscellaneous Matters:** [*Describe any miscellaneous issues of which the Court should be made aware.*]

* * *

This Final Pretrial Order shall supplant the pleadings and is agreed upon by the parties as of [*date*]. Fed. R. Civ. P. 16; *see U.S. v. Hougham*, 364 U.S. 310, 315 (1960); *see also Ricker v. Am. Zinser Corp.*, 506 F. Supp. 1 (E.D. Tenn. Sept. 11, 1978), *aff'd*, 633 F.2d 218 (6th Cir. 1980).

SO ORDERED.

/s/ Travis R. McDonough
TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE

**APPROVED AS TO FORM AND
SUBSTANCE:**

/s/ _____
Counsel for Plaintiff(s)

/s/ _____
Counsel for Defendant(s)