

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

_____)	
)	
)	Plaintiff,
)	
v.)	Case No.
)	Court No. 4
)	K.S.A. Chapter 60
_____)	
)	
)	Defendant.

PRETRIAL ORDER

[As noted in Local Rule 13, this order should be jointly prepared by counsel for all parties. If agreement cannot be reached on the language for some of the sections, competing language may be included, clearly marked to show by which party the language has been submitted.]

A final pretrial conference was held in this case on the ____ day of _____ 20__.

1. APPEARANCES

[List appearances.]

2. VENUE: JURISDICTION: PROPRIETY OF PARTIES

There are no objections to jurisdiction, venue, or propriety of parties.

OR

[State concisely all objections to jurisdiction, venue or propriety of parties.]

3. PLAINTIFF'S LEGAL THEORIES

[Give brief, concise statement of the facts and legal theories relied upon for recovery; where applicable, list the grounds of negligence or breach of contract relied upon. Provide a statement of the total damages being sought under each legal theory or claim; separately provide an itemization of the damages.]

4. DEFENDANT'S LEGAL THEORIES

[Give a brief, concise statement of the facts and legal theories relied upon for any defenses, including affirmative defenses. For any counterclaims, list the grounds of negligence or breach of contract relied upon when applicable. Provide a statement of the total damages being sought under each legal theory of claim being pursued in a counterclaim; separately provide an itemization of the damages.]

5. STIPULATIONS

[Consider whether stipulations can be entered into that will expedite the presentation at trial. Possible stipulations:

a. The following listed exhibits are considered business records under K.S. A. 60-460(m), but the parties reserve the right to object to the contents of these documents on any other basis, including relevance and hearsay within a document.

b. The following facts are undisputed:

c. The following legal issues are undisputed: [Example: The law of Kansas applies to all issues in this case.]

d. Copies of exhibits may be used in lieu of originals.

e. The witness exclusion rule will be applied at trial. Witnesses (other than parties) will be excluded from the trial until after their testimony has been completed so that they cannot hear the testimony of other witnesses.

6. AMENDMENTS TO PLEADINGS

None

OR

[Provide a concise statement of any proposed amendments.]

7. ISSUES OF FACT

The disputed issues of fact (or mixed questions of fact and law) that must be resolved at trial are:

8. ISSUES OF LAW

The disputed issues of law that must be resolved by the court are:

9. DISCOVERY

Discovery has been completed,

OR

Plaintiff/Defendant/All parties request[s] that discovery be extended to [date].
That request is granted/denied.

10. MOTIONS

[List any pending motions and hearing dates and times.]

11. JURY TRIAL PREPARATION

Two weeks before trial, the parties will:

- a. Jointly submit and file a single set of proposed Jury Instructions to the Court. If counsel cannot agree on certain instructions, the alternative instructions should be attached to the jointly submitted packet.
- b. Mark and exchange as marked all Exhibits and an Exhibit Index in the usual form. Plaintiff shall begin with Exhibit No. 1, and Defendant shall begin with Exhibit No. 100.
- c. Designate any depositions used in their case in chief, deponent, page and line.
- d. File any trial briefs.
- e. File any Motions in Limine and schedule a telephone conference for rulings thereon.

One week before trial, the parties will:

- a. File objections to the other party's Jury Instructions.
- b. File objections to the other party's Exhibits.
- c. File objections to any deposition designations and/or file any counter-designations.
- d. File responses to any trial briefs,
- e. File responses to the other party's Motions in Limine.

OR ALTERNATIVE 11 COURT TRIAL PREPARATION

Two weeks before trial to the Court, the parties shall:

- a. Submit, file and exchange proposed findings of fact and conclusions of law.
- b. Mark and exchange as marked all exhibits, submit, file and exchange and Exhibit Index in the usual form.
- c. Designate by deponent, page and line any depositions used in a parties case in chief.
- d. File, submit and exchange any trial briefs.

One week before the trial to the Court, the parties shall submit, file and exchange:

- a. A concise statement of any objections to the other party's proposed findings of fact and conclusions of law.
- b. A concise statement of any objections to anther party's exhibits.
- c. Any concisely stated objection to another party's deposition designation, or any counter designation.
- d. Any reply to another party's trial brief.

12. OTHER

[Identify any significant matters affecting the trial of the case that have not been noted elsewhere.]

13. TRIAL

Trial will be: [to the court] [to a 12 person jury] [to a 6 person jury].

Trial is set for [date] and is expected to take ____ days.

14. SETTLEMENT PROSPECTS

A settlement conference has [not] been held.

Settlement prospects are [good] [fair] [poor].

IT IS SO ORDERED and this Pretrial Order shall supersede the pleadings and control the future course of this action unless modified to prevent substantial injustice.

Compliance with the provisions this Pretrial Order shall be required in all cases except by order of the Court.

District Judge