

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
_____ DIVISION

)	
)	
Plaintiff,)	
)	
v.)	No.
)	
)	
)	
Defendant.)	

MEMO ON PRETRIAL CONFERENCE

Pursuant to Fed. R. Civ. P. 16, an initial pretrial conference will be held in the above-captioned matter on _____.

The following counsel, who will try the case appeared at the conference:

1. For Plaintiff:
Name, Address, Phone number and Fax Number
2. For Defendant
Name, Address, Phone number and Fax number

Accordingly, it is **ORDERED:**

I. STIPULATION OF FACTS.

The parties agree that the following facts are true and undisputed:

- A.
- B.
- C.

Note: The parties should set out in full all material facts to which there is no dispute. Special consideration should be given to such things, where relevant, as life and work expectancy, medical and hospital bills, funeral expenses, cause of death, lost wages, back pay, the economic value of fringe benefits and property damage. Parties should stipulate any undisputed fact even if the legal relevance of the stipulated fact is questioned by one or more party. In such instances, the stipulated fact should be followed by an identification of the objection party and the objection (i.e. "Plaintiff objects to relevance.")

II. EXHIBIT LIST:

The parties submit the following exhibits and have indicated their objections accordingly.¹ (In addition to providing the exhibit list in this Memo on Pretrial Conference, the parties must provide a clean copy of the Exhibit Index to the Courtroom Deputy the morning of trial.)

Plaintiff(s) Exhibits	Objections	Category A, B, C	Offered	Admit/Not Admitted (A) - (NA)
1. [describe exhibit]				
2. [describe exhibit]				
3. [describe exhibit]				

Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admit/Not Admitted (A) - (NA)
1. [describe exhibit]				
2. [describe exhibit]				
2. [describe exhibit]				

[Note: Any exhibits not properly listed in the Memo on Pretrial Conference will be subject to exclusion at trial and any objection not indicated will be deemed waived unless this memo is modified prior to trial to prevent manifest injustice. All exhibits shall be made available to opposing counsel for inspection sufficiently prior to the Pretrial Conference to permit objections to be noted in the memo. Failure to provide exhibits for inspection shall constitute a valid ground for objection at trial and should be noted in the memo.]

1 In the event the parties are unable to reproduce an exhibit list in conformity with the proposed exhibit list set forth above, they may seek permission from the court to utilize an alternate exhibit list or they may obtain an exhibit list in the form set forth in this memo from the clerk's office.

2 A: The parties agree that these exhibits shall be considered to be already in evidence at the trial without further offer, proof, or objection. Specifically, the parties agree that both plaintiff(s) and defendant(s) exhibits listed in this column are in evidence at the commencement of the trial and available for use by any party at any stage of the trial.

B: Parties want to introduce into evidence these exhibits to which all foundation, identification

and authenticity objections are waived but not to which an opposing party objects on the grounds noted. It is further agreed that any exhibit listed in this column may be used by any other party provided that party establishes that the exhibit is otherwise admissible.

C: Parties want to introduce into evidence these exhibits to which an opposing party will object on the grounds noted. It is further agreed that any exhibit listed in this column may be used by any other party provided that party establishes the exhibit is otherwise admissible.

III. WITNESS LIST:

A. Plaintiff(s) witnesses (list witnesses and addresses):

- 1.
- 2.

B. Defendant(s) witnesses (list witnesses and addresses):

- 1.
- 2.

C. A party listing a witness guarantees his/her presence at trial unless the court and opposing counsel are notified to the contrary at least seven (7) days prior to trial. All parties are free to call any witness listed by the opposing party whether they have listed them or not.

D. A witness testifying by deposition must be listed with a designation that the testimony will be by deposition.

E. FACTUAL ISSUES:

A. Plaintiff(s) Factual Issues:

- 1.
- 2.

B. Defendant(s) Factual Issues:

- 1.
- 2.

F. LEGAL ISSUES:

A. Plaintiff(s) Legal Issues:

- 1.

2.

B. Defendant(s) Legal Issues:

1.

2.

[Note: Each party should set forth all theories of recovery or defense, including specifications of fault which will be raised at trial. The elements of each theory of recovery and the elements of damages sought must be included.

The parties should also set forth any legal questions which are likely to arise at trial. This should include such things as:

A legal dispute as to the elements of plaintiff's cause or whether recovery is barred as a matter of law by a particular defense;

Whether, as a matter of law, a particular defense would apply;

Any legal dispute as to the measure, elements, or recovery of damage claimed by plaintiff; and

Whether the Statute of Frauds or the Parole Evidence Rule will be raised; etc.]

VI. UNUSUAL EVIDENTIARY QUESTIONS:

A. Plaintiff(s) Unusual Evidentiary Questions:

1.

2.

B. Defendant(s) Unusual Evidentiary Questions:

1.

2.

Note: Identification of unusual evidentiary questions should also include citations to relevant legal authorities.

NANETTE K. LAUGHREY
United States District Judge

Dated: _____
Kansas City, Missouri

/ = offered & admitted w/o objection Ex = offered, but not objected to and excluded DB = admitted, de bene	Ltd = admitted for limited purposes X = offered and admitted over objection NO = marked, but not offered WD = offered, then withdrawn
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Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Action Taken
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Plaintiff(s) Exhibits	Objections	Category A, B, C	Offered	Action Taken
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