

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

\_\_\_\_\_, ) CIVIL NO. \_\_\_\_\_  
 )  
Plaintiffs, ) PRETRIAL ORDER  
 )  
vs. )  
 )  
\_\_\_\_\_, )  
 )  
Defendants. )  
\_\_\_\_\_ )

PRETRIAL ORDER

This matter is before the Court pursuant to Federal Rule of Civil Procedure 16. The parties conferred and submit the following Pretrial Order.

**I. APPEARANCES**

Attorneys who will try the action:

For Plaintiff(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For Defendant(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For other parties \_\_\_\_\_  
\_\_\_\_\_

**II. JURISDICTION AND RELIEF SOUGHT**

A. Subject Matter Jurisdiction.

1. Was this action removed or transferred from another forum?

\_\_\_\_ Yes \_\_\_\_ No.

If yes, was the action removed or transferred?

\_\_\_\_ Removed \_\_\_\_ Transferred

Original forum: \_\_\_\_\_

2. Is subject matter jurisdiction of this Court contested?

\_\_\_\_ Uncontested \_\_\_\_ Contested

Party contesting: \_\_\_\_\_

3. Asserted basis for jurisdiction.

\_\_\_\_ Federal Question \_\_\_\_ Diversity \_\_\_\_ Other

Statutory Provision(s) Invoked: \_\_\_\_\_

**B. Personal Jurisdiction and Venue.**

1. Is personal jurisdiction contested?

\_\_\_\_ Uncontested \_\_\_\_ Contested

Party contesting personal jurisdiction and basis for objection:

\_\_\_\_\_

2. Is venue contested?

\_\_\_\_ Uncontested \_\_\_\_ Contested

Party contesting: \_\_\_\_\_

C. Are the proper parties before the Court?

\_\_\_\_\_Uncontested          \_\_\_\_\_Contested

Identify each missing party or improper party and the basis for the contention:\_\_\_\_\_

D. Identify the affirmative relief sought in this action.

1. Plaintiff seeks:
2. Defendant seeks:
3. Other party seeks:

**III. BRIEF DESCRIPTION OF NATURE OF CLAIMS/DEFENSES**

A. Plaintiff’s claims:

B. Defendant’s defenses: (A defendant claiming entitlement to qualified immunity must set forth with specificity the basis of the defense.)

C. Claims or defenses of other party(s): (Where counterclaims or cross-claims exist, also give brief description.)

**IV. FACTUAL CONTENTIONS UNDERLYING CLAIMS/DEFENSES**

A. Stipulated Factual Contentions.

The parties agree to the following facts listed separately below:

B. Contested Material Facts.

1. Plaintiff's Contentions:
2. Defendant's Contentions:
3. Contentions of Other Party(s):

**V. APPLICABLE LAW**

A. Do the parties agree which law controls the action?

\_\_\_\_\_Yes    \_\_\_\_\_No

If yes, identify the applicable law:\_\_\_\_\_

If no, identify the dispute and set forth each party's position regarding the applicable law:

1. Plaintiff
2. Defendant
3. Other party

**VI. CONTESTED ISSUES OF LAW**

Identify the specific issues of law which are contested.

1. Plaintiff
2. Defendant
3. Other Party

## **VII. MOTIONS**

A. Pending Motions (indicate the date filed):

1. Plaintiff
2. Defendant
3. Other party

B. Motions which may be filed:

1. Plaintiff
2. Defendant
3. Other party

The briefing must be complete and filed with the Court by \_\_\_\_\_.

## **VIII. DISCOVERY**

A. Has discovery been completed?    \_\_\_\_\_ Yes    \_\_\_\_\_ No

If no, discovery terminates on \_\_\_\_\_.

B. Are there any discovery matters of which the Court should be aware?

## **IX. ANTICIPATED WITNESSES**

Each party is under a continuing duty to supplement this list and the description of anticipated testimony. This does not, however, apply to a rebuttal witness. Indicate if the witness will testify in person or by deposition and include a brief description of the anticipated testimony. If the testimony is by deposition,

identify the deposition by page number and line number. A witness who has not been identified and whose testimony has not been disclosed may not testify at trial unless good cause is shown.

A. Plaintiff's Witnesses:

1. Plaintiff will call or have available at trial the following witnesses:
2. Plaintiff may call the following witnesses:

B. Defendant's Witnesses:

1. Defendant will call or have available at trial the following witnesses:
2. Defendant may call the following witnesses:

**X. OTHER MATTERS**

A. Settlement Possibilities.

1. The possibility of settlement in this case is considered:

\_\_\_\_\_Poor \_\_\_\_\_Fair \_\_\_\_\_Good \_\_\_\_\_Excellent \_\_\_\_\_Unknown

2. Do the parties have a settlement conference scheduled?

\_\_\_\_\_Yes \_\_\_\_\_No If yes, when:\_\_\_\_\_

If a settlement conference has already been held, when:\_\_\_\_\_

Would a follow-up settlement conference be beneficial?

\_\_\_\_\_Yes \_\_\_\_\_No

3. Does either party wish to explore any alternatives for dispute resolution

such as mediation or a summary jury trial?

If yes, identify: \_\_\_\_\_

If no, explain why not: \_\_\_\_\_

**B. Length of Trial and Trial Setting.**

1. This action is a \_\_\_\_\_Bench trial \_\_\_\_\_Jury Trial \_\_\_\_\_Both

2. The case is set for trial on \_\_\_\_\_. If there is no setting, the parties estimate they will be ready for trial by \_\_\_\_\_.

3. The estimated length of trial is \_\_\_\_\_ day(s).

**XI. EXCEPTIONS**

**XII. MODIFICATIONS-INTERPRETATION**

The Pretrial Order when entered will control the course of trial and may only be amended sua sponte by the Court or by consent of the parties and Court approval. The pleadings will be deemed merged herein.

The foregoing proposed Pretrial Order (prior to execution by the Court) is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Attorney for other parties (if any)

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

\_\_\_\_\_  
\_\_\_\_\_ v. \_\_\_\_\_; Civil No. \_\_\_\_\_; [Proposed] Pretrial  
Order