

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

Plaintiff,  
v.  
Defendant.

**FINAL PRETRIAL ORDER**

This matter having come before the Court on \_\_\_\_\_, at a pretrial conference pursuant to Federal Rules of Civil Procedure 16, and \_\_\_\_\_ having appeared as counsel for the plaintiff(s), and \_\_\_\_\_ having appeared as counsel for the defendant(s), the following action was taken:

(1) **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 *[disputed/not disputed]*.

(2) **General Nature of the Claims of the Parties:**

(a) Stipulated Facts: *[set out uncontroverted facts, including admitted jurisdictional facts and all other significant facts concerning which there is no genuine issue]*.

(b) Plaintiff Theory: *[set out brief summary without detail]*.

(c) Defendant Theory: *[set out brief summary without detail]*.

(d) All other parties claims: *[if third parties are involved, set out brief summary without detail]*.

(3) **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.

(4) **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. Three copies of this list have been provided to the Court at the final pretrial conference. If this case is nonjury, a copy of each exhibit has been furnished to the Court at the final pretrial conference. The

parties have endeavored to stipulate the admissibility of all exhibits. The parties cannot stipulate to the admissibility of the following exhibits: [here list any such exhibits].

(5) **Witnesses**: The parties have disclosed all witnesses 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:

- (i) List for plaintiff(s)
- (ii) List for defendant(s).

(6) **Other Matters**: This case is set for trial before the United States District Judge [or the United States Magistrate Judge] and a jury [or without the intervention of a jury] at 9:00 a.m. on \_\_\_\_\_. 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 date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or anytime during the week of the scheduled trial date.

*[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, your attention is invited to being certain to set forth your jury demand if it is your intention to have a jury trial.]*

(7) This final pretrial order shall supplant the pleadings.

APPROVED FOR ENTRY:

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HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

s/\_\_\_\_\_  
Attorney for Plaintiff(s)

s/\_\_\_\_\_  
Attorney for Defendant(s)