

**INSTRUCTIONS FOR PREPARATION OF FINAL PRETRIAL ORDER (FORM “A”)
IN CASES PENDING BEFORE JUDGE LYNCH**

When so ordered by the court for trials or evidentiary hearings scheduled before Judge Lynch, the parties shall jointly prepare and submit a final pretrial order utilizing the court’s “Form A.” In each case the Court will set the date in advance of trial on which the parties must file the final pretrial order. The proposed final pretrial order to be submitted and accompanying Pretrial Statement (see par. 1, below) must be signed by an attorney for each party and include the following items:

1. Joint Pretrial Submission:

Counsel for each party must meet and confer in advance of the Final Pretrial Conference to prepare and file with the court their Joint Pretrial Submission that will contain the statements and disclosures described in these Instructions. The Joint Pretrial Submission will be filed together with the proposed Final Pretrial Order at such time as the court designates.

2. Jurisdiction:

The Joint Pretrial Submission shall contain a statement of the basis for the Court’s jurisdiction.

3. Trial Attorneys:

The Joint Pretrial Submission shall list the attorneys who will try the case for each party, identifying their business and email address, and telephone number.

4. Case Statement:

The Joint Pretrial Submission shall contain a concise statement of the case by each party that describes each claim and defense raised by that party.

5. Stipulated Facts:

The Joint Pretrial Submission shall contain a statement setting forth in numbered paragraphs: (i) the stipulated facts; and (ii) separate lists of the material facts in dispute alleged by each party.

6. Witnesses:

- (a) Each party shall attach to the Joint Pretrial Submission proposed order separate lists of the names and location (the office or residence where that witness may be found) of each fact and expert witness whose testimony the party anticipates introducing at trial, including (designating any witness it may use at trial to present evidence under Federal Rule of Evidence 702, 703 or 705).

These lists shall be organized into the following categories: (i) witnesses who will be called to testify at trial; (ii) witnesses who may be called to testify at trial; and (iii) witnesses whose testimony a party wishes to present by deposition or other prior testimony (indicating whether the presentation will be by transcript or video); and

- (b) After the parties have met and conferred in a good faith attempt to resolve on all objections to calling any proposed witness to testify, all unresolved objections will be noted in the Joint Pretrial Submission.

7. Experts:

As to any witness a party may wish to use at trial to present evidence under Federal Rule of Evidence 702, 703 or 705, the offering party shall disclose and make available before the final pretrial conference that witness' report pursuant to Fed. R. Civ. Pro. 26(a)(2)(B). If no such report exists, the Joint Pretrial Submission shall include a concise statement of the subject matter of the proposed expert testimony, the substance of the opinions which the expert is expected to present, and a summary of the grounds for each opinion.

8. Exhibits:

- (a) Each party will provide all other parties in advance of the preparation of the Joint Pretrial Submission or as ordered by the court with a copy of their proposed marked exhibits to be used at trial;
- (b) Each party shall include in the Joint Pretrial Submission a list of all trial exhibits (including demonstratives, summaries or other specially prepared exhibits), which includes: (i) the exhibit number for each document (all exhibits are to be pre-marked and the parties are expected to coordinate the labeling method used to avoid confusion)

and (ii) the date and concise description of the exhibit; and

- (c) The parties shall identify in the Joint Pretrial Submission those exhibits, if any, to which they stipulate to its authenticity or admissibility.

9. Requests for Relief:

The Joint Pretrial Submission shall contain a concise itemization of all affirmative relief requested by each party (including damages) that includes a concise statement of the basis for each item requested.

August 1, 2014

Thomas M. Lynch
United States Bankruptcy Judge