

Final Pretrial Conference & Final Pretrial Order

The Court's Scheduling Order, issued at the Case Management Status and Scheduling Conference, establishes a due date for the Final Pretrial Order and the date of the Final Pretrial Conference. The parties' proposed Final Pretrial Order must be submitted through the document utilities function of CM/ECF on or before the deadline. Counsel should bring at least three copies to the Final Pretrial Conference. Counsel shall follow the procedure outlined below to prepare for the Final Pretrial Conference and the Final Pretrial Order:

A. Counsel for all parties must confer in person (face-to-face) at their earliest convenience to: (1) reach any possible stipulations narrowing the issues of law and fact; (2) deal with non-stipulated issues in the manner stated in this paragraph; and (3) exchange documents that will be offered into evidence at trial. It shall be the duty of plaintiff's counsel to initiate the meeting and the duty of opposing counsel to respond and offer full cooperation and assistance. If, after reasonable effort, any party cannot obtain the cooperation of opposing counsel, it shall be his or her duty to relay this information to the Court. The Final Pretrial Order shall fulfill the parties' disclosure obligations under Federal Rule of Civil Procedure 26(a)(3), unless the Court orders otherwise. All objections specified in Rule 26(a)(3) shall be made in this order. Counsel for plaintiff then will prepare a draft Final Pretrial Order and submit it to opposing counsel, after which all counsel will submit a joint proposed order. The Final Pretrial Order should provide for the signature of the Court, which when signed will become an Order of the Court

B. The proposed Final Pretrial Order shall strictly comply with the requirements of Local Rule 16.2, except as this Court may otherwise provide. All witnesses must be listed in the Final Pretrial Order. Witnesses not identified on a party's witness list may only be added to the Final Pretrial Order by stipulation of the parties or leave of Court. Counsel are cautioned not to reiterate the long list of witnesses from their earlier submitted witness lists, and to list only those witnesses reasonably expected to be called.

C. The following persons must personally attend the Final Pretrial Conference:

1. Trial counsel for each party;
2. All parties who are natural persons;
3. A representative on behalf of any other party;
4. A representative of any insurance carrier that has undertaken the prosecution or defense of the case and has contractually reserved to itself the ability to settle the action

Representatives must possess full authority to engage in settlement discussions and to agree upon a full and final settlement. "Personal attendance" by each party is not satisfied by (1) trial counsel professing to have full authority on behalf of the client, or (2) a party being available by telephone.