

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
COUNTY, ILLINOIS**

Plaintiff,
VS.

Case No. _____

Defendant.

ORDER SETTING CIVIL FINAL PRE-TRIAL - STANDARD ORDER

Pursuant to Supreme Court Rule 218:

The above cause is set for trial on _____ at _____ o'clock __ m.

A Final Pretrial Conference will be held on _____ at _____ o'clock __ m. Counsel who will try the case shall appear.

PRE-TRIAL MATERIALS: On or before _____, counsel for the parties shall furnish to the Trial Judge through the Circuit Clerk the following materials:

(1) Stipulation of Uncontested Facts. A comprehensible written stipulation of uncontested facts to become a part of the evidentiary record in the case and which, in jury trials, shall be read to the jury by the Court. Counsel for plaintiff has the responsibility to prepare the draft of a proposed stipulation which speaks to the complaint; counsel for counter, cross, or third party complainants has a like responsibility in respect to stipulations which speak to those causes of action. Counsel for any defendant or counter-defendant which has raised an affirmative defense has a like responsibility to prepare a stipulation of uncontested facts.

(2) Agreed Statement of Contested Fact Issues. An agreed statement signed by counsel for all parties of the nature of the case and the contested fact issues. In jury trials, the statement may be read to the jury panel by the Court during voir dire and may be referred to by the parties and the Court at any appropriate time during the trial. The responsibilities of counsel are as stated in paragraph (1) above.

(3) List of Witnesses, Exhibits, and Depositions. A statement from each party, signed by each party(s) respective counsel, containing:

(a) The names of all witnesses who may be called by that party and a very brief statement of the witnesses anticipated testimony. The parties are directed to stipulate to the qualification of expert witnesses. If any party disputes the qualifications of an expert, the factual and legal basis for that objection shall be set forth in this statement;

(b) A list describing all exhibits which may be offered by each party with copies of documentary exhibits pre-marked and attached thereto. All exhibits shall be marked for identification prior to trial, and photocopies of all documentary exhibits so pre-marked shall be attached to this statement.

(c) A designation of all evidence deposition testimony which will be offered substantively by each party. Transcripts of depositions which the parties intend to introduce into evidence or read must accompany the statement. Likewise, any videotaped evidence deposition which any party intends to offer as substantive evidence must be provided with the statement.

(d) At trial, counsel will be expected to have a copy of each exhibit for the Court, opposing counsel and the court reporter. The parties are directed to stipulate to the authenticity of exhibits. The issue of authenticity for an exhibit shall be deemed waived, unless counsel indicates in this statement an exhibit to which the authenticity has not been stipulated and why.

(e) Unlisted witnesses, exhibits, and undesignated deposition testimony may not be called or offered at the trial, except for purposes of impeachment. The examination of witnesses or offer of exhibits will not be interrupted during the trial to afford opposing counsel an opportunity to inspect a listed, pre-marked exhibit.

(4) Contested Issues of Law. Counsel for each party shall file a statement designating the contested issues of law. This statement shall, in a very succinct fashion, refer to stipulated or contested fact issues when necessary. Counsel for each party shall cite each case which they rely upon to support their respective positions. Legible copies of all such cases shall be attached to this statement.

(5) Estimated Length of Trial. Counsel for each party shall estimate the total time required to complete the trial.

(6) Trial Briefs. Each party shall file a trial brief. The purpose of a trial brief is full and complete disclosure of a party(s) theory of the case. The trial brief shall include a statement of the nature of the case; a full and complete statement of the facts the party expects the evidence will establish; the party(s) theory of liability or defense based on those facts, together with authorities in support thereof; the party(s) theory of damages or other relief in the event liability is established, together with authorities in support thereof; the party(s) theory of any anticipated motion for directed verdict, together with authorities in support thereof; in jury cases, the party(s) authorities in support of particular requested jury instructions.

(7) Voir Dire Examination. If the Court does not permit direct examination of prospective jurors by counsel pursuant to Supreme Court Rule 234 in jury trials, each party shall submit in writing proposed questions unique to this case for use by the Court in its interrogation of prospective jurors.

(8) Motions *In Limine*. All motions *in limine* shall be in writing and submitted by the party tendering them. Any motion *in limine* not presented pursuant to requirements of the local Circuit Rule Part 3.40 will be deemed waived, except where the grounds arise or become apparent during the course of the trial.

(9) Proposed Findings of Fact and Conclusions of Law. Counsel for each party shall prepare proposed findings of fact and conclusions of law which he or she believes should be accepted by the Court after hearing the evidence.

(10) Proposed Jury Instructions. In jury trials, each party shall submit the original and two (2) copies of proposed jury instructions on: (a) issues made by the pleadings, I.P.I. 21.00, et seq.; (b) burden of proof - *res ipsa loquitur*, I.P.I. 22.00, et seq.; and (c) damages, I.P.I. 30.00, et seq. The copies shall identify the tendering party and the authority for the instruction. The originals shall be unmarked in a form suitable for submission to the jury.

(11) Waiver of Jury Trial. Should a jury trial in any case no longer be desired, waiver of the right to jury trial shall be made in open court, or by written waiver, duly executed and verified, waiving all rights to trial by jury. Such waivers shall be made at the earliest possible date and no later than the Final Pre-Trial Conference.

(12) Settlement. Counsel and parties are directed to notify the Circuit Clerk and the Court promptly in the event of a settlement or disposition of their case prior to the time of trial.

(13) Removal from Jury Calendar. No cases shall be removed from the jury calendar except on proper motion and good cause shown.

(14) Be Advised. Counsel for all parties are expected to maintain contact with the Circuit Clerk to keep themselves advised of the status of the jury trial calendar, and all counsel and parties will be expected to be prepared to proceed to trial on the date indicated for the start of the jury trial calendar, or as soon thereafter as their case may be reached for trial.

(15) Subpoenaed Witnesses. COUNSEL SHALL SUBPOENA ALL WITNESSES FOR THE FIRST DAY OF THE JURY CALENDAR and arrange for them to be present on the days set on the calendar. In the event that cases are settled or otherwise removed from the calendar, the following cases may be advanced and expected to immediately proceed to trial.

(16) Status Report of Case. The status of each of the cases included in a calendar is to be reported to the attention of the presiding trial judge at least three days before the first day of the trial calendar. Any changes in status thereafter shall be brought to the prompt attention of the presiding judge. The presiding judge may be contacted through the office of the Clerk or, if available, the administrative secretary.

(17) Notice. The Clerk of the Court shall notify all counsel of record of the setting of the Pre-Trial Conference by mailing a copy of the calendar to counsel within five days after entry of this order.

(18). Other. _____

NOTE: IT IS IMPORTANT THAT YOU READ THE ABOVE ORDER SO AS TO KNOW WHAT IS EXPECTED OF YOU AT THE FINAL PRE-TRIAL CONFERENCE.

ENTER:

DATE: _____

Judge