

Proposed New Form SCP 1

UNITED STATES COURT OF INTERNATIONAL TRADE

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		:	
	Plaintiff,	:	BEFORE
		:	Court No.:
v.		:	
		:	
	Defendant.	:	
<hr/>		:	

[Name of attorneys] for the Plaintiff.

[Name of attorneys] for the Defendant.

PRETRIAL ORDER

At the pretrial conference held on [date] before the Hon. _____, and attended by counsel, the following matters were discussed and agreed to, and are hereby ORDERED:

1. General. The parties recognize that this joint pretrial order controls the subsequent course of the action unless the order is modified by consent of the parties and the Court, or by order of the Court to prevent manifest injustice. The attached schedules, each on a separate sheet, are part of this order.

2. Parties and Counsel. Schedule A sets forth the names of all parties; the names, addresses, email addresses, and telephone numbers of their respective attorneys, and the names of trial counsel for each party.

3. Jurisdiction. Schedule B-1 sets forth the statutes, legal doctrines, and facts on which Plaintiff claims jurisdiction. Schedule B-2 indicates which of these, if any, are contested.

4. Uncontested Facts. All material facts that are without substantial controversy are set forth in Schedule C. Material facts that are actually and in good faith controverted, and which a party intends to establish at trial, are separately listed in Schedules C-1, C-2, etc. Facts not included in these schedules may be established at trial, provided prompt notice is given to all parties and to the Court, and on showing of good cause.

5. Claims and Defenses. The parties' claims and defenses are separately listed in Schedules D-1, D-2, etc.

6. Damages and Other Relief. Claims with respect to damages and other relief sought by each party are detailed in Schedules E-1, E-2, etc.

7. Waiver of Claims. The parties waive all claims with respect to liability, damages, and other relief and all affirmative defenses which are not set forth in Schedules D and E.

8. Triable Issues. Schedule F sets forth and separately numbers the issues of the case, without simply restating the disputed facts. All legal issues are to be addressed prior to the commencement of the trial. If the parties cannot agree as to the issues, then their separate statement of the issues must be set forth as Schedules F-1, F-2, etc.

9. Witnesses. Schedules G-1, G-2, etc. list for the respective parties the witnesses they will or will probably call to testify at the trial, setting forth for each witness (a) name, (b) address, (c) a summary of expected testimony, and, for expert witnesses, (d) a curriculum vitae, and (e) the area of expertise. Any objection to a witness, and the grounds therefor, must be separately stated as Objections to Schedule G-1, G-2, etc.

10. Deposition Testimony. Any party proposing to use deposition testimony as evidence must, at least three weeks prior to the trial date, notify all the adversaries of the testimony proposed to be read. Objections to any proposed deposition testimony must be made in writing no later than two weeks prior to trial. The parties must file with the Court copies of the depositions, indicating the portions to be read and the relative objections. The Court will rule on all such objections prior to commencement of the trial.

11. Exhibits. Schedules H-1, H-2, etc. list for the respective parties the exhibits to be offered in evidence by that party. Each list must identify and describe each exhibit. Plaintiff's exhibit must be identified by numbers, Defendant's by letters. Except for exhibits a party intends to use during cross-examination, the parties recognize that they will not be allowed to use at trial any exhibits or witnesses not identified in this pretrial order except on prompt notice to all parties and to the Court, and on a showing of good cause.

12. Objections to Exhibits. Schedules I-1, I-2, etc. list for the respective parties each adversary's exhibits whose authenticity or admissibility are contested. The parties must state the specific ground for objection to each contested exhibit listed therein.

13. Discovery. All discovery is complete. Undisclosed discovery which surfaces during trial will be deemed untimely and subject to the sanction of exclusion.

14. **Jury Trial.** The parties must indicate whether the trial is a jury or non-jury trial. If it is a jury trial, the parties must state whether the jury trial is applicable to all aspects of the case or only to certain issues, which must be specified.

Additional Filing Prior to Trial in Jury Cases. In jury cases, unless otherwise ordered by the Court, each party must file, at a date to be determined at the pretrial conference, requests to charge and proposed voir dire questions. This paragraph does not preclude supplemental requests for additional instructions during the course of trial or at the conclusion of the evidence on matters that cannot reasonably be anticipated unless the Court has directed otherwise, and provided that no request to charge must be accepted unless made and submitted to the Court twenty-four (24) hours in advance of the time that summation commences.

15. **Pretrial Summary Memoranda:** No later than [1 week before trial], each counsel [may] / [must] provide the Court with memoranda of law containing (1) a statement of the material facts the party intends to establish at trial, (2) a description of the evidence the party intends to introduce at trial supporting those material facts, and (3) a discussion addressing the material facts, evidentiary issues, and legal issues that remain in dispute.

Filing will be deemed completed when received, without the exception provided under USCIT R. 5(e).

16. **Trial Time.** The trial will take approximately _____ days.

Dated: _____
New York, New York

Approved and Consented To:

Attorney for

Attorney for

Advisory Committee Note

The Advisory Committee recommends certain amendments to the Standard Chambers Procedures to streamline the procedures, to eliminate redundancies between the Standard Chambers Procedures and the Court's Rules, and to incorporate some additional forms and provisions to enhance clarity and uniformity.