

Proposed New Form SCP 3

UNITED STATES COURT OF INTERNATIONAL TRADE

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		:	BEFORE
	Plaintiff,	:	Court No.:
		:	
v.		:	
		:	
	Defendant.	:	
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ORDER GOVERNING PREPARATION FOR TRIAL

The parties are directed to eliminate any undisputed and peripheral matters, and to proceed to a final definition of the issues to be tried.

To carry out the foregoing, IT IS HEREBY ORDERED:

1. Pretrial Conference: Counsel must participate in the pretrial conference on [date] at [P.M.].

2. Settlement Conference: Counsel for the parties must confer and make a good faith attempt to settle this matter and avoid trial. Prior to the pretrial conference, counsel must file a joint certification of settlement efforts including a representation that they have discussed settlement, identified obstacles thereto, considered options for overcoming those obstacles, and conferred with their clients regarding the status of settlement discussions and any terms of settlement offered by opposing counsel.

3. Exchange of Documents and Lists of Witnesses: Counsel must exchange copies of all documents proposed to be used in evidence and of their lists of witnesses no later than [6 weeks before the pretrial conference]. Counsel must be prepared at the pretrial conference to discuss and have the Court rule on objections.

4. Joint Pretrial Order: No later than [one day] before the pretrial conference, Plaintiff’s counsel must prepare and file with the Court a proposed pretrial order using the form attached. Counsel for all parties are directed to cooperate in the preparation and completion of the pretrial order.

A. No later than [5 weeks before the pretrial conference], Plaintiff’s counsel must prepare and serve upon Defendant’s counsel a proposed pretrial order with attached schedules. Prior to preparing Schedule A (names of parties and

attorneys), Schedule C (uncontested facts), and Schedule F (triable issues) Plaintiff's counsel must consult with opposing counsel.

B. Upon receipt of Plaintiff's proposed order and schedules, Defendant's counsel must prepare any additional schedules and deliver them in final form to Plaintiff's counsel no later than [3 weeks before the pretrial conference] for inclusion in the final pretrial order that must be filed with the Court before the day of the pretrial conference. If counsel cannot agree on the content of Schedules A, C and F, separate statements thereof may be included by each counsel.

C. When separate schedules are submitted by the parties, Plaintiff's schedules will be designated with the suffix number 1, *e.g.*, C-1, D-1, E-1. Defendant's schedules will be designated with the suffix number 2, *e.g.*, C-2, D-2, E-2. If additional parties attach schedules, separate identifying suffix numbers, *e.g.*, -3, -4, will be used for each.

5. **Exhibits**: Promptly following the pretrial conference, counsel must meet with the courtroom deputy clerk to pre-mark their exhibits, using the numbering assigned to them in the exhibit schedules of the pretrial order.

6. **Deposition Testimony**: Any party intending to use deposition testimony as evidence must notify all the adversaries of the testimony proposed to be read into the record no later than [3 weeks before trial]. Objections to any proposed deposition testimony must be made in writing no later than [2 weeks before trial]. The parties must file copies of the depositions with the Court, indicating the portions to be read and any related objections. The Court will rule on any objections prior to the trial.

7. **Pretrial Motions**: Counsel must file with the Court any pretrial motions, including any motions *in limine*, no later than [2 weeks before trial]

8. **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.

SO ORDERED.

, Judge

Dated: _____, 20____
New York, New York

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.