

SAMPLE CIVIL FORM 30.

IN THE _____ COURT OF _____ COUNTY

A.B., Plaintiff)
v.)
C.D., Defendant)

CIVIL ACTION NO. _____

PRE-TRIAL ORDER

1. *Counsel.*

Appearing for the plaintiff: _____.

Appearing for the defendant: _____.

2. *Nature of the Case.* [Count 1 of] the complaint alleges a cause of action based upon [negligence, breach of warranty, breach of oral contract, etc.]

3. *Positions of the Parties.*

a. Plaintiff contends: [concise statement of factual and legal contentions]

b. Defendant contends: [concise statement of factual and legal contentions]

4. *Stipulations and Admissions.*

5. *Discovery.* Discovery proceedings have been completed except as follows: [specify additional discovery proceedings required.]

6. *Additional Orders:* [as required by the particular case].

Ordered that the above allowances and agreements are binding on all parties in the above-styled cause unless this order be hereafter modified by the Court for good cause and to prevent manifest injustice.

Done this _____ day of _____, 2____.

Judge

Committee Comments

A pre-trial order should set out the nature of the case, theory of the parties, the admitted facts, the ultimate facts which will be disputed, and points of law to be passed upon by the Court which would:

1. Result in the simplification of issues;
2. Reveal the necessity or desirability of amendments to the pleadings;
3. Make it possible to obtain admissions of fact and of documents, thereby avoiding unnecessary proof;
4. Make it possible to limit the number of witnesses with a view of avoiding improper cumulative testimony; and
5. Permit such other procedures as might aid in the disposition of the action.

Each party appearing in the action should be represented at the pre-trial conference by counsel who will conduct the trial or by co-counsel with full knowledge of the case and with authority to bind such party by stipulation.

The pre-trial order is binding on the parties and determines the issues to be tried.