

The Business Court of Texas, Eighth Division

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| [Plaintiff(s)],  *Plaintiff(s),*  v.  [Defendant(s)],  *Defendant(s).* | §  §  §  §  § | Cause No. [\_\_\_\_\_\_\_\_\_\_\_\_\_\_] |

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**Proposed Joint Pretrial Order**

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The parties, by and through undersigned counsel, hereby submit the following Joint Proposed Pretrial Order.

1. **Appearance of Counsel**

*List the names of all parties and their respective counsel. Provide the addresses, telephone numbers, and email addresses of counsel.*

1. **Statement of the Case**

*Give a concise joint summary (one or two short paragraphs) of the case and the parties’ claims and defenses. In a jury trial, the judge may read this statement aloud during voir dire.*

1. **Relief Sought**

*An itemization of the damages and other relief sought.*

1. **Jurisdiction and Venue**

*Identify any unresolved jurisdictional or venue questions.*

1. **Motions**

*Identify any pending motions that require a decision by the judge.*

1. **Admissions of Fact**

*Provide a concise, numbered list of admitted or otherwise undisputed facts that require no proof and are relevant to the disposition of the case.*

1. **Disputed Facts**

*Provide a concise, numbered list of disputed facts that are relevant to the disposition of the case.*

1. **Agreed Applicable Propositions of Law**

*Provide a concise, numbered list of the undisputed legal propositions that are relevant to the disposition of the case.*

1. **Contested Issues of Law**

*Provide a concise, numbered list of the disputed legal issues that are relevant to the disposition of the case and need to be decided by the court. A memorandum of law with authorities addressing only these issues must accompany this Order.*

1. **Settlement Discussions.**

*Include a short statement on the status of any settlement negotiations and the outcome of mediation.*

1. **Trial**
2. *State whether the trial will be jury or nonjury.*

1. *Give a realistic estimate of how long trial would last if the judge did not impose time limits. A typical trial day begins at 9:00 a.m. and ends at 4:30 or 5:00 p.m., with 60 to 75 minutes for lunch and 15-minute breaks mid-morning and mid-afternoon.*
2. *Using the categories below, list the names and addresses of all witnesses, including experts, that each party intends to call in its case-in-chief:*
3. *witnesses who will be called;*
4. *witnesses who may be called; or*
5. *witnesses whose deposition will be used.*
6. *State the parties’ agreement as to how and when they will provide notice of daily witnesses.*
7. *State whether the parties intend to arrange for real-time reporting or other expedited transcripts.*
8. *Describe any foreseeable logistical problems, including the availability of witnesses or unusual exhibits.*
9. **Required Attachments**

*Parties must file as a separate document and attach to the Joint Pretrial Order the following attachments:*

1. *any motions in limine;*
2. *each party’s exhibit list[[1]](#footnote-1);*
3. *each party’s proposed jury charge or, for nonjury trials, proposed findings of fact and conclusions of law; and*
4. *each party’s memorandum of law (see No. 9, Contested Issues of Law).*
5. **Other Matters**

*Describe any additional matters or concerns that any party wishes the judge to know before trial.*

SIGNED this \_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge, Texas Business Court, Eighth Division

[Signature blocks for counsel]

1. Plaintiff’s exhibits shall be marked using yellow labels as “Plaintiff’s Ex. 1,” *et seq*., and Defendant’s exhibits shall be marked using blue labels in a similar manner. The judge encourages counsel to agree upon joint exhibits to avoid duplication. Joint exhibits shall be identified using white labels and the description “Joint Ex. 1,” *et seq*. [↑](#footnote-ref-1)