

LR13-Form 704. Pre-trial order.

STATE OF NEW MEXICO
COUNTY OF _____
THIRTEENTH JUDICIAL DISTRICT COURT

Plaintiff,

v.

No. _____

Defendant.

PRE-TRIAL ORDER

THIS MATTER having come before the court on _____, 2____, at a pre-trial conference held before Judge _____, pursuant to Rule 1-016 NMRA, it is hereby ordered:

1. **JURISDICTION AND PARTIES.** The jurisdiction of the court is not disputed. There is no remaining question regarding the propriety of the parties.
2. **GENERAL NATURE OF THE CLAIMS.**
 - a. Plaintiff claims: *(set out each legal theory to be argued and the elements necessary to prove the theory)*
 - b. Defendant claims: *(set out each legal theory to be argued and the elements necessary to prove the theory)*
 - c. All other parties claim: *(set out each legal theory to be argued and the elements necessary to prove the theory)*
3. **UNCONTROVERTED FACTS.** The following facts are established by admission in the pleadings or by stipulation of counsel or self-represented parties at the pre-trial conference:
4. **CONTESTED LEGAL THEORIES.** As to each legal theory provided in No. 2 of this order, the contested elements are:
5. **CONTESTED ISSUES OF FACT.** The contested issues of fact remaining for decision are:
6. **CONTESTED ISSUES OF LAW.** The contested issues of law, in addition to those implicit is Nos. 4 and 5 above, are: [OR]
There are no contested issues of law reserved other than those implicit in Nos. 4 and 5 above.
7. **LIST OF EXHIBITS.** Each party will mark its own exhibits and make a descriptive list thereof which shall be furnished to all opposing counsel and two (2) copies to the court at least [] days prior to trial. At that time, all such exhibits will be made available for examination by opposing counsel. *(Note: this rule does not apply to rebuttal exhibits that cannot be anticipated.)*
 - a. Plaintiff's list of exhibits:
 - b. Defendant's list of exhibits:
 - c. Other parties' list of exhibits:
8. **EXHIBIT AUTHENTICATION, OBJECTIONS, USE AT TRIAL.** Any counsel requiring authentication of an exhibit must notify in writing the offering counsel within [] days after the exhibit is made available for examination.

Failure to do so is an admission of an exhibit's authenticity. Any other objection to the admissibility of an exhibit must, where possible, be made at least [] **days before trial**, and the court shall be notified of the objections.

9. **DISCOVERY.**

- Discovery has been completed.
- Discovery is to be completed by _____.
- The following provisions are made for discovery:

_____.

10. **WITNESSES.** A list of the names, addresses and general subject matter of the testimony of each party's witnesses must be filed with the court and must be served upon the opposing party and the court at least [] **days prior to trial**. After this deadline, additional witnesses will not be allowed without a showing of good cause why their disclosure did not take place in conformance with this order. *(Note: this does not apply to rebuttal witnesses who cannot be anticipated.)*

- a. Plaintiff may call the following witnesses:
- b. Plaintiff will call or have available at trial the following witnesses:
- c. Plaintiff will present the following testimony by deposition:
- d. Defendant may call the following witnesses:
- e. Defendant will call or have available at trial the following witnesses:
- f. Defendant will present the following testimony by deposition:
- g. Other parties may call the following witnesses:
- h. Other parties will call or have available at trial the following witnesses:
- i. Other parties will present the following testimony by deposition:

11. **AMENDMENTS TO PLEADINGS.**

- There are no amendments.
- This order was made with regard to the following amendments to the pleadings:

_____.

12. **ALTERNATIVE DISPUTE RESOLUTION.**

- The parties agree to submit to alternative dispute resolution.
- The parties agree that alternative dispute resolution is inappropriate.

13. **MOTIONS IN LIMINE.**

All motions in limine must be filed with the court and submitted to the judge's office no later than five (5) days before trial.

14. **JURY INSTRUCTIONS.** Each party shall submit proposed jury instructions by _____, 2_____.

15. **LENGTH OF TRIAL.** The estimated length of trial is _____ days.

16. **TRIAL SETTING.** This matter is set for trial on _____
2_____, at _____ o'clock.

17. **THIS IS A**

- jury trial
- bench trial.

18. **OTHER:**

-
19. **AMENDMENTS.** This order will control the course of the trial. It may be amended by consent of the parties and the court, or by order of the court to prevent manifest injustice. The pleadings are deemed merged herein.

Date

Attorney for Plaintiff

Date

Attorney for Defendant

DISTRICT COURT JUDGE

[Adopted by Supreme Court Order No. 08-8300-009, effective April 15, 2008; LR13-Form M recompiled as LR13-Form 704 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]