

LR6-Form 704. Pretrial order.

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT COURT

(Plaintiff) (Petitioner)

No. _____

v.

Judge: _____

(Defendant) (Respondent)

PRETRIAL ORDER

Unless otherwise ordered by the court, the pretrial order shall contain the following:

(1) Jurisdiction. _____

(State whether there is a question of jurisdiction over the parties or subject matter and, if so, each party shall provide citation of authority for their position.)

(2) Propriety of parties. _____

(State if there is a need for a guardian, personal representative, etc.; whether parties are correctly stated as an individual, partnership, corporation, etc.; and whether there is a question of misjoinder of parties or need for realignment of parties.)

(3) Outline of events. _____

(Statement by each counsel outlining the events or transactions out of which the claim, counter-claim or cross-claim arose, or upon which the defense is founded.)

(4) Factual allegations; plaintiff. _____

(The plaintiff shall state the factual contentions as to the liability of each defendant, specifically including the injuries and damages claimed by each plaintiff. Special damages, general damages and punitive damages, as well as the specific factual and legal basis for punitive damages, shall be separately stated.)

(5) Factual allegations; defendants. _____

(The defendant shall state the factual contentions as to non-liability and as to each affirmative defense, and shall specifically respond to plaintiff's claims and state the basis for each affirmative defense.)

(6) Factual allegations; others. _____

(Where counter-claims, cross-claims or third-party claims exist, a statement of that party's factual contentions as to liability, non-liability and affirmative defenses shall be stated in the same manner as (4) and (5) supra.)

(7) Admissions or stipulations. _____

(Counsel or pro se litigants shall make an effort to stipulate to all matters not at issue, including, but not limited to, the following:

- A. dates;*
- B. places;*
- C. times;*
- D. vehicles;*
- E. ownership;*
- F. passengers;*
- G. traffic control devices;*
- H. weather;*
- I. foundation matters;*
- J. other.*

Only matters actually agreed upon shall be included. It is the responsibility of each party to introduce stipulations at the appropriate time. A party may read any stipulation to the jury or request the court, out of the presence of the jury, to do so.)

(8) Exhibits. (Each party shall acknowledge that the party is aware of the following requirements concerning exhibits and, in addition, each party shall state the current status of its compliance with the following requirements. Unless stated differently in a Rule 1-016(B) NMRA scheduling order:

A. A pre-numbered exhibit list, describing each exhibit shall be submitted to all other parties at least fifteen (15) days prior to trial and to the court on the day of trial at 8:30 a.m. or such other time as may be set by the court.

B. Actual exhibits shall be made available to all counsel for examination no less than fifteen (15) days prior to trial.

C. Each exhibit shall be numbered separately. The exhibits shall be numbered by plaintiffs and lettered by defendants.

D. Drawings by experts and non-experts shall be prepared prior to trial and made available to all counsel along with exhibits.

E. The parties shall notify each other, in writing, of objections to each other's exhibits at least ten (10) days prior to trial. A copy of the objections shall be given to the court at least five (5) days prior to trial and objections will be considered by the court at such time as may be set by the court. Any exhibit not objected to may be admitted into evidence the morning of trial and may be referred to and shown to the jury during opening statements.)

(9) Discovery. (Each party shall acknowledge that it is aware of the following requirements concerning discovery and, in addition, each party shall state the current status of its compliance with the following requirements.

A. State what discovery has been completed and, if the deadlines for discovery set in the scheduling conferences have not been met, state why, in detail, and when discovery is expected to be completed. Discovery includes the exchange of names of witnesses along with a brief summary of the subject matter of each witness's testimony.

B. It is the responsibility of each party to subpoena that party's witnesses.

C. A separate witness list shall be exchanged by all parties fifteen (15) days prior to trial and a copy thereof delivered to the court at 8:30 a.m. on the morning of trial or at such other time as may be directed by the court. No witnesses, including expert witnesses, shall

be permitted to testify if the witness has not been disclosed as required by the scheduling order except when good cause has been shown.

D. Objections to witnesses shall be made known to each party ten (10) days prior to trial and to the court five (5) days prior to trial.

E. Each party is responsible to have witnesses available as needed and to obtain interpreters as may be required.)

(10) Laws involved. (State as follows:

A. Source of law.

(1) United States of America (constitution or statute)

(2) State (constitution or statute)

(3) Ordinances

(4) Regulations (attach copies)

(5) Decisions (attach copies if not available in the district court law

library)

B. Issues of law; evidentiary problems.

C. Memoranda of law. State whether necessary, due date and the issues to be included in the memorandum.)

(11) Amendments to pleadings. _____

(State whether amendments addressed in the scheduling order have been completed and, if not, state why not. If additional amendments are requested, state, in detail, why they were not included in the scheduling order. State requested amendments.)

(12) Briefs. (The parties shall state the need and schedule for filing and exchanging pretrial briefs.)

(13) Masters. (The parties shall state the advisability of referring the matter to a master, settlement facilitator or a mediator, and shall state the possibilities of settlement.)

(14) Other matters. (Such other matters as the court may require with or without a party's request, which shall include any deviations from the scheduling order.)

DATED this _____ day of _____, _____.

District Judge

Sixth Judicial District

SUBMITTED BY AND AGREED TO
IN SUBSTANCE AND FORM

(Plaintiff) (Petitioner)

(Defendant) (Respondent)

[Adopted, effective October 2, 2000; LR6-Form 2.04 recompiled as LR6-Form 704 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]