

The Business Court of Texas,

1st Division

|  |  |  |
| --- | --- | --- |
| XXXX, *Plaintiffs*v.XXX, *Defendants* | §§§§ | Cause No. XX-BC01B-XXXX |

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**Final Pretrial Order**

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Based on the parties’ submissions, their filed joint deposition designations, and the court’s discussions with counsel at the final pretrial conference held on [DATE], the court enters this Final Pretrial Order under Tex. R. Civ. Proc. 166.

**GENERAL RESERVATION:** The parties’ following lists, appendices, etc. (Disclosures) are submitted without prejudice to a party’s right to amend for good cause.

# Trial Witness Lists

## Plaintiff’s Witness List

### Probable Witnesses

[List]

### Possible Witnesses

[List]

### Expert Witnesses

[List]

## Defendant’s Witness List

### Probable Witnesses

[List]

### Possible Witnesses

[List]

### Expert Witnesses

[List]

# Trial Exhibit Lists

The parties’ respective trial exhibit lists are attached to this order as **Appendix 1-P** (Plaintiff) and **Appendix 1-D** (Defendant). The court reserves rulings on the parties’ objections other than as follows:

[Text]

# Trial Deposition Excerpts

Pursuant to the court’s instructions at the pretrial conference on [DATE], the parties’ respective updated designations, objections, and counter designations are attached to this order as **Appendix 2-P** (Plaintiff) and **Appendix 2-D** (Defendant).

## Plaintiff’s Statement Regarding Objections

[Text]

## Defendant’s Statement Regarding Objections

[Text]

# Proposed Voir Dire Questions

## Agreed Proposed Jury Questionnaire

[Text]

## Agreed Proposed Voir Dire Questions

In addition to the parties’ Agreed Proposed Jury Questionnaire, the parties submitted the following proposed jury questions for the court to ask during its examination of the jury panel:

[Proposed Questions]

# Motions in Limine

The parties request the court to enter an order before voir dire prohibiting all persons from making any mention of the matter presented in **Appendix 3-P** (Plaintiff) and **Appendix 3-D** (Defendant) in the presence of prospective jurors or members of the jury.

# Other Matters Regarding Rule 166(p)

## Summary of Claims and Defenses of Each Party

### Plaintiff

Plaintiff has these causes of action against Defendant remaining for determination at trial:

[List]

### Defendant

Defendant has these affirmative defenses to Plaintiff’s causes of action.

[Affirmative Defenses]

## Stipulated Facts

[Text]

## Contested Fact Issues

The parties’ respective statements of contested fact issues are attached as **Appendix 4-P** (Plaintiff) and **Appendix 4-D** (Defendant).

The parties reserve the right to seek leave to amend their lists for good cause.

## Contested Issues of Law

The parties’ respective statements of legal issues to be litigated are attached as **Appendix 5-P** (Plaintiff) and **Appendix 5-D** (Defendant).

The parties reserve the right to seek leave to amend their lists for good cause.

## Estimated Trial Length and Timing

The parties estimate trial will last [x] days with these time limits per side:

Voir dire: \_\_\_\_\_ hours

Opening statements: \_\_\_\_\_ hours

Witness examinations \_\_\_\_\_ hours

Closing Arguments \_\_\_\_\_ hours

## Additional Matters Aiding in Disposition of Case

[If applicable, any claim for attorneys’ fees will be decided by the court on post-trial motions. The parties need not and should not present witness testimony or exhibits directed to attorneys’ fees.]

The parties have agreed to exchange any demonstrative exhibits no later than the night before the exhibits would first be used at trial. The court encourages the parties to exchange any such exhibits before trial starts.

[Any pertinent rulings from pretrial conference]

So ORDERED.

BILL WHITEHILL

Judge of the Texas Business Court,
First Division

SIGNED: [DATE]

APPENDIX 1-P

**(Plaintiff’s Exhibit List)**

|  |  |  |  |
| --- | --- | --- | --- |
| **Plaintiff’s****Exhibit No.** | **Description** | **Bates No.** | **Defendant’s****Objections** |
|  |  |  |  |
|  |  |  |  |

APPENDIX 1-D

**(Defendant’s Exhibit List)**

|  |  |  |  |
| --- | --- | --- | --- |
| **Defendant’s****Exhibit No.** | **Description** | **Bates No.** | **Plaintiff’s****Objections** |
|  |  |  |  |
|  |  |  |  |

APPENDIX 2-P

**(Plaintiff’s Deposition Excerpts)**

[Name]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Plaintiff’s Designations** | **Defendant’s Objections** | **Defendant’s Counter Designations** | **Plaintiff’s Objections** | **Ruling** |
| **From Pg:Ln** | **To Pg:Ln** |  | **From Pg:Ln** | **To Pg:Ln** |  |  |
|  |  |  |  |  |  |  |

[Name]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Plaintiff’s Designations** | **Defendant’s Objections** | **Defendant’s Counter Designations** | **Plaintiff’s Objections** | **Ruling** |
| **From Pg:Ln** | **To Pg:Ln** |  | **From Pg:Ln** | **To Pg:Ln** |  |  |
|  |  |  |  |  |  |  |

APPENDIX 2-D

**(Defendant’s Deposition Excerpts)**

[Name]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Defendant’s Designations** | **Plaintiff’s Objections** | **Plaintiff’s Counter Designations** | **Defendant’s Objections** | **Ruling** |
| **From Pg:Ln** | **To Pg:Ln** |  | **From Pg:Ln** | **To Pg:Ln** |  |  |
|  |  |  |  |  |  |  |

[Name]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Defendant’s Designations** | **Plaintiff’s Objections** | **Plaintiff’s Counter Designations** | **Defendant’s Objections** | **Ruling** |
| **From Pg:Ln** | **To Pg:Ln** |  | **From Pg:Ln** | **To Pg:Ln** |  |  |
|  |  |  |  |  |  |  |

APPENDIX 3-P

**(Plaintiff’s Motions *in Limine*)**

**Plaintiff’s MIL No. 1**

[Text]

**Plaintiff’s MIL No. 2**

[Text]

APPENDIX 3-D

**(Defendant’s Motions *in Limine*)**

**Defendant’s MIL No. 1**

[Text]

**Defendant’s MIL No. 2**

[Text]

APPENDIX 4-P

**(Plaintiff’s Statement of Contested Fact)**

APPENDIX 4-D

**(Defendant’s Statement of Contested Fact)**

APPENDIX 5-P

**(Plaintiff’s Statements of Legal Issues to Be Litigated)**

APPENDIX 5-D

**(Defendant’s Statements of Legal Issues to Be Litigated)**