

STANDING PRE-TRIAL ORDER FOR JURY TRIALS
DIVISION "H"

16TH JUDICIAL DISTRICT COURT
PARISHES OF IBERIA, ST. MARTIN AND ST. MARY

IT IS ORDERED that the following rules shall apply to all civil jury cases scheduled in Division H of this Court:

1. All parties will exchange witness lists and exhibits FORTY FIVE (45) days prior to trial;
2. No unlisted witnesses nor exhibit will be permitted at trial except for rebuttal or impeachment purposes;
3. A pre-trial conference will be scheduled at least THIRTY (30) days prior to trial;
4. The cut-off date for discovery shall be THIRTY (30) WORKING DAYS prior to the trial, unless the Court permits an extension of this deadline for good cause.
5. All depositions to be used in lieu of live testimony shall be submitted to the Court within SEVEN (7) WORKING DAYS prior to the trial. The failure of counsel to submit depositions in a timely manner may result in the Court's refusal to accept these documents into evidence.
6. Any special charges and special verdicts to the jury shall be submitted to the Court and counsel with TEN (10) WORKING DAYS prior to the trial. Any objections to special jury charges shall be submitted within FIVE (5) working days prior to trial. All counsel must agree to the form of the verdict.
7. All motions in limine shall be filed with the Clerk of Court TEN (10) WORKING DAYS prior to the trial. A copy of all motions and memorandums shall be provided to the Court and opposing counsel within TEN (10) WORKING DAYS prior to trial.

IT IS FURTHER ORDERED that the following rules apply to all pre-trial conferences in Division "H" of this Court:

1. IT IS ORDERED that all CIVIL PRE-TRIAL CONFERENCES shall be held on any civil rule date at least thirty (30) days prior to any scheduled trial.
2. Upon notification that a pre-trial conference is scheduled, counsel for plaintiff shall promptly arrange a meeting of all counsel, sufficient in advance of the pre-trial conference, for the purpose of arriving at all possible stipulations. All counsel shall view and exchange copies of all exhibits which will be offered in evidence, prepare a list of the names and addresses of all witnesses who may testify at trial, and prepare a required Joint Pre-Trial Stipulation, hereinafter described, for submission to the Court. All other counsel shall cooperate with counsel for plaintiff in facilitating and expediting this meeting.
3. Counsel for Plaintiff will promptly prepare and submit to all counsel a proposed Joint Pre-Trial Stipulation that is based upon the discussion held at the meeting. All counsel shall promptly notify plaintiff's counsel in writing of any additions, corrections, or matters on which no agreement is possible. In order to retain the trial fixing, the final draft of the Joint Pre-Trial Stipulation shall be submitted to the Court and counsel within five (5) working days prior to the pre-trial conference and shall be signed by all counsel either

prior to or at the pre-trial conference. The Joint Pre-Trial Stipulation must be approved by the Court.

4. The Joint Pre-Trial Stipulation shall set forth:
 - a. A brief but comprehensive statement of the contentions of each party.
 - b. A brief statement of all facts established by the pleadings, stipulations or admission.
 - c. A brief statement of the contested issues of fact.
 - d. A brief statement of the contested issues of law.
 - e. A list and brief description of all exhibits (except exhibits offered solely for impeachment) to be offered in evidence together with a statement that the authenticity of said exhibits has been stipulated except as otherwise stated and a statement of any objections to said exhibits.
 - f. A list and brief description of all items of demonstrative evidence to be used by each party.
 - g. A statement that no further amendment of pleadings is anticipated.
 - h. The name and address of each witness whom each party may call, together with a short statement of the nature of the expected testimony. With respect to expert witnesses the statement shall describe the area of expertise in which the witness will offer expert testimony.

NOTE WELL: Each and every witness must be named in the Joint Pre-Trial Stipulation. A witness shall not be designated as a representative nor named at a later date, unless specific agreement is obtained from all parties.

- i. A brief statement as to any other matters, not previously covered, which may be relevant to a prompt and expeditious disposition of the litigation.
 - j. A statement as to the probable length of the trial.
5. The trial attorneys shall attend the pre-trial conference unless excused by the Court for good cause shown. Counsel attending the pre-trial shall be fully prepared to inform the Court on all matters pertinent to the litigation, discuss all issues of the case, and shall be fully authorized to agree to deadlines, enter into stipulations, agreements, admissions of fact or law, and settlement. Following the conference, the Court will designate counsel to prepare a Pre-Trial Order to be submitted to the Court.
6. The Clerk of Court shall furnish to all counsel of record a copy of this order with notice of the place, date, and hour assigned for the pre-trial conference.
7. If there has been a previous pre-trial conference in a case, and the Joint Pre-Trial Stipulation has been previously approved by the Court, but if there is a need to change the date of trial, counsel need not prepare an additional Stipulation nor attend an additional pre-trial conference. Counsel may signify their mutual agreement by correspondence to the Court.

ROGER P. HAMILTON, JR., JUDGE
16TH JUDICIAL DISTRICT COURT

VERSUS # _____, DIV. "H" * PARISH OF _____

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_____ * STATE OF LOUISIANA

PRE-TRIAL STIPULATION

A Pre-Trial Conference of attorneys is to be held in this matter before Roger P. Hamilton Jr., District Judge, in chambers in _____, Louisiana, on the ____ day of _____, 20____, for Civil Jury Trial to be held on the ____ day of _____, 20____, at _____, Louisiana.

There was present:

_____, Attorney, counsel for plaintiff, _____, _____, Attorney, counsel for defendant, _____, _____, Attorney, counsel for intervenor, _____.

A. CONTENTIONS:

Plaintiff contends that he was employed by King Company as a truck driver on December 23, 1978, and was injured in the course and scope of his employment when unloading the cargo of his truck on his employer's premises, by being struck by a truck belonging to Ace Company, straining his back resulting in his total and permanent disability, pain and suffering.

Defendant contends that plaintiff is not totally and permanently disabled but was in fact only temporarily disabled for three (3) months as a result of any injuries sustained in the alleged accident; that the accident resulted from plaintiff's negligence in stepping into the path of defendant's truck.

B. ESTABLISHED FACTS:

On December 23, 1978, plaintiff was employed by King Company as a truck driver and was unloading same when struck by defendant's truck proceeding across the premises in a southerly direction. Said truck was covered by policy 21A4267 issued to Ace Company, by Ajax, which was in full force and effect. Plaintiff's average weekly wage was \$280.00.

C. CONTESTED ISSUES OF FACT:

The happening of the accident, the cause thereof, and any disability resulting therefrom are all contested issues of fact.

D. CONTESTED ISSUES OF LAW:

None.

E. EXHIBITS:

Plaintiff will offer the following exhibits:

1. Statement for professional services rendered by Dr. Saw Bones.
2. Seven (7) drug bills incurred by plaintiff at Pillroller Pharmacy, Incorporated.

3. Records of plaintiff's hospitalization at Brokenbone Hospital, Incorporated.

Defendant will offer the following exhibits:

1. Copies of drafts for workman's compensation benefits paid to plaintiff.
2. Copies of drafts for medical expenses paid on behalf of plaintiff to Brokenbone Hospital, Incorporated and Pillroller Pharmacy, Incorporated.

The authenticity of all of the foregoing exhibits is stipulated.

F. AMENDMENT TO PLEADINGS:

The parties do not anticipate any amendments to the pleadings.

G. WITNESSES:

Plaintiff will call:

1. Himself and his wife, address, regarding the happening and facts of the accident and his disability.
2. Dr. Saw Bones, address, as to the nature and extent of plaintiff's injuries and treatment thereof.

Defendant will call:

1. Hank Steele, address, driver of the Ace Company truck, regarding the facts of the accident.

H. EXCHANGE DEADLINE:

The deadline for the exchange of any other trial information, whether requested or not, is the _____ day of _____, 20_____.

I. MEDICAL AND DRUG BILLS:

All medical and drug bills will be admitted into evidence subject to the right of defendants to question the materiality or relevance thereof, but without the necessity of the person issuing said bills to be present and to testify.

J. DISTRIBUTION OF CHALLENGES:

Plaintiff and intervenor will share the _____ challenges for their side, and will agree as to their use and allocation; defendant will do the same with their _____ challenges.

K. WORKMEN'S COMPENSATION INTERVENTION:

The parties stipulate that intervenor was the Workmen's Compensation insurer of plaintiff's employer at the time of his alleged injuries which give rise to this lawsuit; that at such time plaintiff was in the course and scope of his employment; and that intervenor has paid and perhaps is still paying compensation benefits and medical bills pursuant thereto, and that intervenor is entitled to recover with preference and priority for all amounts it has paid and will pay under said Workmen's compensation policy out of any judgment in favor of plaintiff to be rendered herein; and is to be credited against said judgment to the extent of the amount thereof for any payments made in the future. The exact amounts will be stipulated between counsel prior to the beginning of trial.

L. ANY OTHER MATTERS NOT PREVIOUSLY COVERED WHICH MAY BE RELEVANT TO THE LITIGATION

M. LENGTH OF TRIAL:

This trial is expected to last five (5) days.