

STANDING PRE-TRIAL ORDER IN JURY TRIALS
Division A
Sixteenth Judicial District Court
November 4, 2013

IT IS ORDERED that the following rules shall apply to all Pre-Trial Conferences held after November 4, 2013, in Division A of this Court:

- 1. Upon notification that a Pre-Trial Conference has been scheduled, counsel for plaintiff (if a jury trial), hereinafter referred to as “appointed counsel”, shall promptly arrange a meeting of all counsel, sufficiently in advance of the Pre-Trial Conference, for the purpose of arriving at all possible stipulations, viewing, copying, exchanging and marking copies of all exhibits which will be offered in evidence, preparing a list of the names and addresses of all witnesses who may testify at the trial, and preparing for submission to the Court the proposed Pre-Trial Stipulation hereinafter described. All other counsel shall cooperate with appointed counsel to facilitate and expedite the holding of this meeting.**

- 2. Based upon the discussions held at the meeting of counsel with respect to the matters required to be covered in the Pre-Trial Stipulation, appointed counsel will promptly prepare and submit to all other counsel a proposed Pre-Trial Stipulation. All other counsel shall promptly indicate to appointed counsel any additions or corrections in writing. The final draft of the proposed Pre-Trial stipulation shall be approved and signed by counsel for all parties and shall be submitted by appointed counsel to the presiding judge of Division A so that it will be received by him not later than three (3) full judicial days preceding the day on which the Pre-Trial Conference is to be held. Should counsel for any party disagree with any part of the proposed Pre-Trial Stipulation, that counsel shall state the reason therefor and attach a signed statement of opposition thereto prior to its submission to the Court, but shall nevertheless sign the proposed Pre-Trial Stipulation which shall, under these circumstances, be considered to be approved only to the extent not contradicted in the attached statement of opposition.**

- 3. The proposed 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 admissions.**

 - C. A brief statement setting forth the contested issues of fact.**

 - D. A brief statement setting forth the contested issues of law.**

 - E. A list and brief description of all exhibits to be offered in evidence together with a statement that the authenticity of said exhibits has been stipulated except as otherwise stated in the order.**

- F. A description of any anticipated amendments to the pleadings, which will not be permitted if the case is fixed for trial unless there is no opposition thereto.
 - G. The names and addresses of witnesses each party may call with a short statement of the nature of their expected testimony.
 - H. A deadline date for the exchange of any other trial information, whether requested or not (including, but not limited to, reports, bills for services rendered or drugs purchased, and documentary evidence).
 - I. Whether all medical and drug bills (funeral and burial 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. If there are more than one party to a side: how the challenges for that side will be distributed, and the total number per side.
 - K. In the event of an intervention by a workman's compensation carrier, whether the parties shall agree to the stipulation attached as Exhibit A.
 - L. A brief statement as to any other matters not previously covered which may be relevant to a prompt and expeditious disposition of the litigation.
 - M. A statement as to the probable length of the trial.
- 4. Counsel attending the Pre-Trial Conference shall be fully prepared to inform the Court on all matters pertinent to the litigation and shall be fully authorized to enter into stipulations, agreements, admissions of fact or law, and be able to discuss all issues of the case, including the possibility of settlement.
 - 5. An appropriate sample form of Pre-Trial Stipulation approved by the Court is attached hereto.
 - 6. The Clerk of this Court shall furnish to all counsel of record a copy of this Order and the attached form with notice of the date and hour assigned for the Pre-Trial Conference.

November 4, 2013

GERARD B. WATTIGNY, JUDGE
Division A
16th Judicial District Court

EXHIBIT A

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.

JAMES JONES

16TH JUDICIAL DISTRICT COURT

VS. DOCKET NO. 00,000, DIV. A

PARISH OF _____

HANK STEELE, ET AL

STATE OF LOUISIANA

PRE-TRIAL STIPULATION

A Pre-Trial Conference of attorneys was held in this matter before Gerard B. Wattigny, District Judge, at New Iberia, Louisiana, on the ___ day of _____, 20 ____, for Jury Trial to be held on the ___ day of _____, 20 ____, at _____, Louisiana.

There was present:

Henry Quickquestion, Attorney, counsel for plaintiff, _____.

Robert Redundant, Attorney, counsel for defendant, _____.

Bruce Benefits, 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 Co., 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 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 Co., 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 drug bills incurred by plaintiff at Pillroller Pharmacy, Inc.
3. Records of plaintiff's hospitalization at Brokenbone Hospital, Inc.

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, Inc. and Pillroller Pharmacy, Inc.

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 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 three (3) days.