**IN THE CHANCERY COURT, STATE OF WYOMING**

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| Plaintiff,  vs.  Defendant. | Case No. CH-2022-0000000 |
| **[Model] Joint Pretrial Memorandum** | |

Having participated in a pretrial meeting on **[**insert date**]**, the parties now submit this Joint Pretrial Memorandum as required by the CMSO.

1. **Statement of the Case.** Summarize each party’s claims and contentions. Identify the elements of each party’s claims or defenses, with citation to legal authority and the witnesses, admissions, and exhibits that will be used to establish or disprove each element.
   1. **Plaintiff’s Summary.** Plaintiff’s summary of its claims and contentions, identifying the elements of each claim or defense with appropriate citation to authority. Plaintiff’s statement must not exceed 800 words.
   2. **Defendant’s Statement.** Defendant’s summary of its claims and contentions, identifying the elements of each claim or defense with appropriate citation to authority. Like Plaintiff’s summary, Defendant’s summary must not exceed 800 words.
2. **Factual and Legal Stipulations**. List any stipulations as to facts and any material legal or procedural issues on which the parties agree. Stipulations as to the authenticity or admissibility of evidence belong below in Sections 4 and 5, not here.
3. **Remaining Issues of Fact.** Identify the issues of fact that the parties contend remain for determination by the court. Summarize the disagreement related to those factual matters. If the parties cannot agree on a joint statement of contested material facts, they shall set forth competing statements. A joint statement must not exceed 800 words and separate party statements must not exceed 400 words per side.
4. **Remaining Questions of Law.** Identify the questions of law that the parties contend remain to be decided by the Court. Summarizing the disagreement related to those legal questions. If the parties cannot agree on a joint statement of contested material issues of law, they should set forth competing statements. A joint statement must not exceed 800 words and separate party statements must not exceed 400 words per side.
5. **Damages.** Itemize any damages which will be claimed at trial.
6. **Exhibits**. List in table format all exhibits to be offered in evidence. The table must include the following information.
   1. **Exhibit No.** Pre-mark each exhibit for identification. Plaintiff will use numbers in sequence and Defendant will use letters in sequence. If there is more than one Plaintiff, each Plaintiff may use a short name or abbreviation, and then numbers in sequence. If there is more than one separate Defendant, each Defendant may use a short name or abbreviation, and then letters in sequence.
   2. **Bates No.** Identify the bates stamp range of each exhibit.
   3. **Description**. Briefly describe the exhibit. A unique document title suffices.
   4. **Authenticity.** State whether there are any objections to the authenticity of the exhibit and identify the objection. Any objection must be set forth more fully in a motion in limine.
   5. **Admissibility**. Indicate whether there are any objections to the admissibility of exhibits and concisely state the reasons for the objection. Any objection must be addressed more fully in a motion in limine.

Example tables follow:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Plaintiff’s Exhibits** | | | | |
| **Exhibit No.** | **Bates No.** | **Description** | **Authenticity** | **Admissibility** |
| 1 | Cowboy00010–99 | Master Services Agreement | Stipulated | Stipulated |
| 2 | Cowboy40987 | Letter from Ms. Ross to Mr. Bridger re Master Services Agreement | Objection: no evidence of signature or date | Objection: hearsay |
| 3 | . . . |  |  |  |

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| **Defendants Exhibits** | | | | |
| **Exhibit No.** | **Bates No.** | **Description** | **Authenticity** | **Admissibility** |
| A | Steamboat00222-313 | Change Order Number Two | Stipulated | Stipulated |
| B | Steamboat05759 | Email dated 11.27.20 from Mr. Warren to Ms. Morris re “outstanding questions” | Stipulated | Objection: relevance |
| C | . . . |  |  |  |

1. **Witnesses and Deposition Designations**. List in table format all witnesses, including expert witnesses, that the parties expect to call during the trial. The table must include the following information.
   1. **Name.**  Give the full-name of each witness.
   2. **Contact Information.** Provide the address and telephone number of each witness.
   3. **Type.**  State whether each witness is a fact witness or an expert witness.
   4. **Delivery**. Identify how the direct testimony will be delivered: affidavit, deposition, or live testimony.
      1. If by deposition, designate the specific portions of the deposition (by page and line) that the party intends to use.
      2. If by live testimony, designate the witness as “will-call” or “may-call.” Note that the designating party must make a “will-call” witness available for trial unless it gives reasonable advance notice is given to opposing counsel.
   5. **Objections.**  Indicate whether there are any objections to the witness’s testimony.
      1. In the case of testimony by deposition, the parties should endeavor to stipulate to the admissibility of the designated portions of the deposition. The opposing party must state whether it intends to stand on or waive any objection made during the deposition. Any deposition designation objections should be made by a separate filing including a short legal explanation of the parties’ positions and attaching pertinent transcripts.
      2. In the case of testimony by affidavit, the parties should endeavor to stipulate to the admissibility of the affidavit. Any objections to the affidavit should be summarized in the table and set forth more fully in a separate filing attaching the affidavit and setting forth a short legal explanation in support of the objections.
   6. **Summary.** Set forth a specific summary of the expected testimony. Vague, boilerplate summaries are insufficient.

Example tables follow:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Plaintiff’s Witnesses** | | | | | |
| **Name** | **Contact Information** | **Type** | **Delivery Method** | **Objections** | **Summary** |
| First and last | Address:  Tel: | Fact | Affidavit | None | Insert specific summary of witness’s anticipated testimony |
| First and last | Address:  Tel: | Fact | Deposition (page and line numbers) | Objection: Stand on asked- and-answered objection made during deposition (page and line number). | Insert specific summary of witness’s anticipated testimony |
| First and last | Address:  Tel: | Expert | Live - Will call | Objection: Pending motion to exclude expert testimony. | Insert specific summary of witness’s anticipated testimony |

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| **Defendant’s Witnesses** | | | | | |
| **Name** | **Contact Information** | **Type** | **Delivery** | **Objections** | **Summary** |
| First and last | Address:  Tel: | Fact | Affidavit | Stipulated | Insert specific summary of witness’s anticipated testimony |
| First and last | Address:  Tel: | Fact | Deposition (page and line numbers) | Stipulated: waive form of question objection made during deposition (page and line number). | Insert specific summary of witness’s anticipated testimony |
| First and last | Address:  Tel: | Fact | Live - may call | Objection: pending motion to exclude witness testimony regarding . . . . | Insert specific summary of witness’s anticipated testimony |

1. **Pending Motions.** 
   1. **Plaintiff’s Motions**. List any motions submitted by Plaintiff for resolution before trial or state that Plaintiff has no pending motions.
   2. **Defendant’s Motions.** List any motions submitted by Defendant for resolution before trial or state that Defendant has no pending motions.
2. **Trial Time.** Propose any changes that should be made to the trial length, allocation of trial time, and time for opening statements and closing arguments set forth in the CMSO. Justify any proposed change with good cause.
3. **Certification of Good-Faith Settlement Negotiations.** Certify that the parties have engaged in meaningful and good-faith settlement discussions and mediation as required by the CMSO. Evaluate the possibility of settling the case before trial.
4. **Technology.** Describe the technology each party intends to use during trial and state whether the parties have made arrangements with the clerk and court reporter regarding the use of such technology.
5. **Other Matters**. Describe any other matters relevant to the trial of this matter, including identifying any other matters which can be reasonably anticipated and addressed before trial to facilitate the just, speedy, and inexpensive disposition of this action.

**Submitted by:**

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[Counsel] Date

Attorney(s) for Plaintiff

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[Counsel] Date

Attorney(s) for Defendant