

STATE OF SOUTH DAKOTA)
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COUNTY OF _____)

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

<p>_____, Plaintiff(s),</p> <p>vs.</p> <p>_____, Defendant(s).</p>	<p>Case no. _____</p> <p style="text-align: center;">SCHEDULING & PRETRIAL CONFERENCE CHECKLIST ORDER</p>
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It is hereby ORDERED that the parties comply with the following pretrial requirements:

1. At least TEN (10) DAYS BEFORE THE PRETRIAL CONFERENCE, or as otherwise required by court order or deadlines set herein, all counsel will furnish the following items in a Pretrial Conference Checklist to the Court and opposing counsel:
 - a. ISSUES REMAINING FOR TRIAL: Set forth the issues joined by the pleadings which have not been disposed of by pretrial motion or agreement of the parties.
 - b. FACT SUMMARY: Set forth a brief summary of the facts the party believes will be proven by the evidence.
 - c. SUBSTANTIVE, PROCEDURAL OR EVIDENTIARY ISSUES INCLUDING MOTIONS IN LIMINE: Set forth the legal questions to be addressed by the court. Attach a pretrial brief supporting your position. Identify any pending motions remaining to be addressed. Any responses or replies must be served within the deadlines set forth in SDCL §15-6-6, as these motions will be heard at the Pretrial Conference.
 - d. WITNESSES - NATURE OF TESTIMONY AND AVAILABILITY: List witnesses, state the nature of their testimony, and state whether a deposition or video deposition has been taken for trial.
 - e. TRIAL TIME: Set forth the estimated time required for trial of the case to the 1/2 day (including impaneling of a jury), if the trial is a jury

trial, and if the type of trial is different from what was proposed at the scheduling hearing.

- f. JURY INSTRUCTIONS: In jury cases, counsel will submit a joint set of jury instructions (including preliminary jury instructions) and a verdict form. Each party will submit separately **only** those instructions that the parties do not agree upon including a fair statement of the case for the preliminary instructions consistent with SDPJI 1-10-20.

Where applicable, use South Dakota Pattern Jury Instructions. Prepare proposed instructions in accordance with the provisions of SDCL 15-6-51(a). The source of the requested instructions must appear on the instructions. Include the original and one copy of the instructions with the pretrial conference checklist furnished to the Court. Provide copies to opposing counsel.

- g. DEPOSITIONS: If a deposition is to be read or viewed at trial, the objecting party must identify the objection by page and lines, which lines are sought to be stricken (if any), and the reason for the objection (including the rule relied upon) **at least 30 days before trial**. The objecting party will send the objections in a Word document to the opposing party. The opposing party will respond 10 days later by noting the response in the Word document and returning it to the objecting party. The objecting party may make any reply no later than 5 days later and must then email the document to the Court for rulings.
- h. EXHIBITS: Parties will consult with the Court Reporter for marking exhibits prior to commencement of the jury trial unless the exhibits are unusually large or impractical. Parties may pre-mark their exhibits, but they must use the marking rules outlined below.

- 1) All exhibits you intend to use at trial will be marked using Arabic numbers beginning with 1, i.e., 1, 2, 3, etc.

To avoid duplication of exhibits, the parties will confer in an effort to agree upon a single exhibit list. An agreement to place a proposed exhibit on the list does not waive a party's right to object to the proposed exhibit.

- 2) If the parties cannot agree upon a single exhibit list, then the Plaintiff will inform the Defendant of how many exhibits Plaintiff intends to list. Defendant will begin numbering Defendant's

exhibits with the next higher three-digit number. For example, if Plaintiff has 114 exhibits, Defendant will begin with 200. If there are multiple plaintiffs or defendants, the same system will be used proceeding in the order of the parties as set forth in the case caption.

- 3) Any exhibits added during trial will be added at the end irrespective of who has offered the exhibit.
 - i. OTHER: Set forth any other matters which you feel should be discussed at the pretrial conference.
2. At least FIVE (5) DAYS BEFORE THE PRETRIAL CONFERENCE all parties must have completed the following requirements:
 - a. The parties have met and agreed to the foundation for exhibits prior to the pretrial conference. If no stipulation was reached, then the parties have submitted to the Court specific objections (with citation to authority) to exhibits of the opposing party.
 - b. The parties have provided to the Court specific objections to the opposing party's requested jury instructions.
 - c. The parties have provided to the Court any factual stipulation that would significantly shorten the trial.
3. ALL PARTIES MUST BRING TO THE PRETRIAL CONFERENCE:
 - a. Exhibits, photographs, demonstrative models, and any similar items to be used at trial, including all audio or video equipment. Counsel will arrange to practice with the Court's video equipment **prior** to trial.
 - b. Be prepared to address objections to all instructions at the pretrial conference.

This Order supersedes the requirements imposed by the Seventh Circuit Pre-Trial Conference Check List found in Appendix B to SDCL chapter 15-6 and any conflicting orders previously entered in this case.

Dated this ____ day of _____, 20__.

BY THE COURT:

Circuit Court Judge

ATTEST:

Ranae Truman
Clerk of Courts

By: _____
Deputy

[SEAL]