

**LR1-Form 703. Pretrial Order.**

FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
No. \_\_\_\_\_

\_\_\_\_\_, Plaintiff/Petitioner

v.

\_\_\_\_\_, Defendant/Respondent

**PRETRIAL ORDER**

This matter having come before the court on \_\_\_\_\_, \_\_\_\_\_, at pretrial conference held before \_\_\_\_\_, District Judge, Division \_\_\_\_\_, under Rule 1-016(E) NMRA of the Rules of Civil Procedure for the District Courts, and \_\_\_\_\_ having appeared as counsel for Plaintiff/Petitioner and \_\_\_\_\_ having appeared as counsel for Defendant/Respondent and \_\_\_\_\_ having appeared as counsel for \_\_\_\_\_; the following action was taken.

1. JURISDICTION: *(check and complete applicable alternative)*

The jurisdiction of the court is not disputed and is hereby determined to be present.

The question of jurisdiction was in dispute and decided as follows: \_\_\_\_\_

\_\_\_\_\_  
*(appropriate recitation of preliminary hearing and findings).*

2. PARTIES. *(check and complete applicable alternative)*

There is no remaining question as to propriety of the parties.

The propriety of the parties is disputed as follows: \_\_\_\_\_

\_\_\_\_\_  
*(state the nature or the dispute).*

3. GENERAL NATURE OF THE CLAIMS OF THE PARTIES:

A. Plaintiff/Petitioner claims: \_\_\_\_\_  
*(set out brief summary without detail).*

B. Defendant/Respondent claims: \_\_\_\_\_  
*(set out brief summary without detail).*

C. All other parties claim: \_\_\_\_\_  
*(same type of statement where third parties are involved).*

4. UNCONTROVERTED FACTS: The following facts are established by admissions in the pleadings or by stipulations of counsel at the pretrial conference:

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\_\_\_\_ (set out uncontroverted facts, including admitted jurisdictional facts and all other significant facts, concerning which there is no genuine issue).

5. CONTESTED ISSUES OF FACTS: The contested issues of fact remaining for decision are: \_\_\_\_\_ (set out).

6. CONTESTED ISSUES OF LAW: (check and complete the applicable alternative)

The contested issues of law in addition to those implicit in the foregoing issues of fact are: \_\_\_\_\_ (set out).

There are no special issues of law reserved other than those implicit in the foregoing issues of fact.

7. EXHIBITS: There are received in evidence (or identified and offered) the following:

A. Plaintiff/Petitioner's exhibits: \_\_\_\_\_ (list).

B. Defendant/Respondent's exhibits: \_\_\_\_\_ (list).

C. Exhibits of other parties: \_\_\_\_\_ (If involved, list).

D. If other exhibits are to be offered, the offering party will mark the party's own exhibits and make a list of them. Lists of these exhibits will be furnished to all opposing counsel and the court at least ten (10) days prior to trial. At that time all of those exhibits will be made available for examination by opposing counsel. This order does not apply to rebuttal exhibits, which cannot be anticipated.

E. Any counsel requiring authentication of an exhibit must so notify the offering counsel in writing within five (5) days after the exhibit is made available to opposing counsel for examination. Failure to do so is an admission of authenticity.

F. Any other objections to admissibility of exhibits must, where possible, be made at least three (3) days before trial, and the court notified of the objections. Where possible, admissibility will be ruled on before trial, and objections reserved for the record.

G. At any time of trial, each counsel will furnish to the court two (2) copies (and one (1) copy to each opposing counsel) of the list of all exhibits to be offered.

H. All exhibits will be offered and received in evidence as the first item of business at the trial.

8. Any party proposing to offer all or any portion of a deposition shall notify opposing counsel at least ten (10) days before trial of the offers to be made (unless the necessity for using

*the deposition develops unavoidably thereafter*). If objection is to be made, or if additional portions of a deposition are to be requested, opposing counsel will notify offering counsel at least five (5) days before trial of any objections or requests. If any differences cannot be resolved, the court must be notified in writing of those differences at least three (3) days before trial. In the party's notice to the court, an objecting party shall provide a redline, or electronically marked pdf document, to show the portions of a deposition to which objections are made.

9. DISCOVERY. (*check and complete applicable options, can check more than one*)

- Discovery has been completed.
- Discovery is to be completed by \_\_\_\_\_.
- Further discovery is limited to \_\_\_\_\_.
- The following provisions were made for discovery: \_\_\_\_\_ (*specify*).

10. WITNESSES:

A. In the absence of reasonable notice to opposing counsel to the contrary, Plaintiff/Petitioner will call, or will have available at the trial: \_\_\_\_\_ (*list*).  
Plaintiff/Petitioner may call: \_\_\_\_\_ (*list*).

B. In the absence of reasonable notice to opposing counsel to the contrary, Defendant/Respondent will call, or will have available at the trial: \_\_\_\_\_ (*list*).  
Defendant/Respondent may call: \_\_\_\_\_ (*list*).

C. (*Use for third parties, if any*). In the absence of reasonable notice to opposing counsel to the contrary, \_\_\_\_\_ will call, or will have available at the trial: (*list*). \_\_\_\_\_ may call: \_\_\_\_\_ (*list*).

D. In the event there are other witnesses to be called at the trial, a statement of their names and addresses and the general subject matter of their testimony will be served on opposing counsel and filed with the court at least \_\_\_\_\_ days prior to trial. This restriction shall not apply to rebuttal witnesses, the necessity of whose testimony reasonably cannot be anticipated before the time of trial.

11. REQUESTS FOR INSTRUCTIONS: (*If the case is to be tried to a jury, include the following. Omit otherwise.*). It is directed that requests for instructions be submitted to the court \_\_\_\_\_ days before trial, subject to the right of counsel to supplement the request during the course of the trial on matters that cannot be reasonably anticipated.

12. AMENDMENTS TO PLEADINGS: (*check and complete applicable alternative*)

- There were no requests to amend pleadings.
- The following order was made with regard to amendments to the pleadings:  
\_\_\_\_\_ (*set out*).

13. OTHER MATTERS: The following additional matters to aid in the disposition of the action were determined: *(Set out to the extent determined with reference to schedule for briefs, requests for questions on voir dire examination of jury, advance proposals for findings of fact; also trial schedule, further pretrial conferences, preliminary rulings on questions of law, exchange of medical reports, indexing or abstracting of exhibits, specification of objections, etc.).*

14. MODIFICATIONS - INTERPRETATION: This pretrial order has been formulated after conference at which counsel for the respective parties have appeared. Reasonable opportunity has been afforded counsel for corrections or additions prior to signing by the court. Hereafter, this order will control the course of the trial and may not be amended except by consent of the parties and the court, or by order of the court to prevent manifest injustice. The pleadings will be deemed merged herein. In the event of ambiguity in any provision of this order, reference may be made to the record of this conference to the extent reported by stenographic notes, and to the pleadings.

15. TRIAL SETTING: *(check and complete applicable alternative)*

The case was set for trial (with) (without) a jury on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_m.

No definite setting was made, but it was estimated that the case will be reached for trial \_\_\_\_\_.

16. MEMORANDUM: Estimated length of trial is \_\_\_\_\_ days. Possibility of settlement of this case is considered: *(check applicable alternative)*

Good

Fair

Poor.

IT IS SO ORDERED.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
District Judge

The foregoing proposed pretrial order (prior to execution by the court) is hereby approved this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Address: \_\_\_\_\_  
Attorney for Plaintiff/Petitioner

Address: \_\_\_\_\_  
Attorney for Defendant/Respondent

Address: \_\_\_\_\_  
Attorney for Other Parties *(if any)*

[Adopted by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]