

IN THE SUPREME COURT OF THE CHEROKEE NATION

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SC - ____ - ____

PRE-TRIAL CONFERENCE ORDER

(Please identify each party using the words Petitioner or Plaintiff, Respondent or Defendant, depending on the designation made in the pleadings. A completed copy of this document must be filed and submitted to the assigned Justice at least ten (10) days prior to the status conference unless otherwise directed in the Scheduling Order. Each party should consult the Supreme Court Rules and Procedures regarding the responsibility of drafting and tendering this report. The final version will be approved at the conference. Failure to complete this document and submit it in a timely manner as required by the Supreme Court Rules and Procedures may result in sanctions being entered against all parties.)

This matter having come before the Honorable _____,
Justice of the Supreme Court, at a pre-trial conference held pursuant to Order of the
Court dated _____.

Counsel appearing for the Petitioner (Plaintiff) _____;
for Respondent (Defendant) _____; trial counsel
will be _____ for the Petitioner (Plaintiff), and
_____ for the Respondent (Defendant).

IT IS THEREFORE ORDERED this ____ day of _____, 20____;
by the Supreme Court of the Cherokee Nation.

I. BRIEF PRELIMINARY STATEMENT. State briefly the facts of the case and the positions of the parties.

II. JURISDICTION. The basis on which the jurisdiction of the Court is invoked. State whether the matter is a direct appeal or that the Court have original jurisdiction. Is there any objection to the jurisdiction of the Court?

III. PLEADINGS. List all pleadings allowed.

IV. MOTIONS. Are there any pending motions?

V. STIPULATED FACTS. List the stipulations as to all facts that are not disputed or reasonably disputable, including jurisdictional facts.

Examples:

- A. All parties are properly before the Court;
- B. The Court has jurisdiction of the parties and of the subject matter;
- C. All parties have been correctly designated;
- D. etc.

VI. DISPUTED FACTS. Those facts not stipulated to, which are legitimately in dispute and as to which opposing counsel expects to present the contrary evidence at trial or genuinely challenges on credibility grounds.

Examples:

- A. Was Petitioner (Plaintiff) injured and damaged by the negligence of the Respondent (Defendant)?
- B. What amount, if any, is the Petitioner (Plaintiff) entitled to receive of Respondent (Defendant) as compensatory damages?
- C. etc.

VII. LEGAL ISSUES. State separately by Petitioner (Plaintiff) and Respondent (Defendant), each disputed legal issue and the authority relied upon.

- A.
- B.
- C.

VIII. CONTENTIONS AND CLAIMS FOR RELIEF SOUGHT.

A. Petitioner (Plaintiff):

Examples:

- A. As to liability;
- B. As to damages;
- C. etc.

DEFENCES:

B. Respondent (Defendant):

Examples:

- A. As to liability;
- B. As to damages;
- C. etc.

IX. EXHIBITS. (The following exclusionary language **MUST** be included.)

Exhibits not listed will not be admitted by the Court unless good cause be shown and justice demands their admission.

A. Petitioner (Plaintiff):

No.	Title	Objection	Ruled of Evidence Relied Upon
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EXAMPLES: (Pre-marked for trial)

1	Police Report	Hearsay	
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2	Photo of Plaintiff	None	
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B. Respondent (Defendant):

No.	Title	Objection	Ruled of Evidence Relied Upon
<i>(Pre-marked for trial)</i>			
EXAMPLES:			
1	Photo of Scene	None	
2	Scale Model	None	

EXAMPLES:

1	Photo of Scene	None
2	Scale Model	None

XII. WITNESSES. (The following exclusionary language MUST be included.)
No unlisted witness will be permitted to testify except by leave of the Court when justified by exceptional circumstances.

A. Petitioner (Plaintiff):

Name	Address	Proposed Testimony
B. <u>Respondent (Defendant):</u>		
Name	Address	Proposed Testimony

B. Respondent (Defendant):

Name	Address	Proposed Testimony
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XIII. ESTIMATED TRIAL TIME.

For Liability: _____ For Damages: _____

XIV. POSSIBILITY OF SETTLEMENT.

Good _____ Fair _____ Poor _____

XV. MISCELLANEOUS.

a. Trial Brief required by Court.

Yes _____ No _____ Due by _____

b. Any amendments to pleading.

Yes _____ No _____ Ordered by the Court _____

c. Is discovery complete?

Yes _____ No _____ Comment _____

d. Any legal issues to be resolved?

e. Are the parties correctly named or identified?

Yes _____ No _____ Objections _____

f. Any novel or unusual point of law involved? What are the points?

When will they be presented? _____

Are briefs desired? _____

XVI. OTHER MATTERS. (briefly describe)

XVII. TRIAL DATE SET. _____ day of _____, at _____:_____.
 _____.m., 20____, at the Cherokee Nation Courthouse.

All parties approve this order and understand and agree that this order shall govern the conduct of this case from this point forward and shall not be amended except by order of the Court.

CNBA. _____
Address _____

Telephone _____
Fax _____
ATTORNEYS FOR PETITIONER (Plaintiff)

CNBA. _____
Address _____

Telephone _____
Fax _____
ATTORNEYS FOR RESPONENT (Defendant)

Approved this _____ day of _____, 20____.

Justice of the Supreme Court
of the Cherokee Nation