

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR _____ COUNTY, STATE OF UTAH**

In the Marriage of Petitioner, And Respondent.	PRETRIAL ORDER Case No. Judge Commissioner MARIAN ITO
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COMES NOW the parties above named, through their respective counsel of record, and submit the following Pretrial Order. The pretrial conference before the appropriate Commissioner was scheduled for [Date]. The parties represent to the Court that the following statements are true:

1. JURISDICTION. (Check one):
 There are no jurisdiction issues before the Court.
 The following jurisdictional issues remain unresolved:
2. The undisputed facts and resolved issues are attached hereto this order as “Exhibit A”.
3. The Petitioner’s unresolved remaining claims that are reserved for trial are hereby outlined as “Exhibit B”.
4. The Respondent’s unresolved remaining claims that are reserved for trial are hereby outlined as “Exhibit C”.
5. Any remaining parties' claims that are reserved for trial are hereby outlined as sequential exhibits beginning with “Exhibit D”.
6. Custody Evaluation (Check one):

- There are no minor children of this marriage
- Custody is not in dispute
- A custody evaluation has been ordered, and has been completed in compliance with Rule 4-903 of the Rules of Judicial Administration
- A custody evaluation has been ordered and will be completed by:
[Date]
- No custody evaluation has been ordered in this case.

7. If required by statute, the Petitioner has completed the Divorce Orientation and Education Courses for Parents.

8. Alternative Dispute Resolution (ADR) in compliance with Section 81-4-403 of the Utah Code:

Has been completed and verification thereof has been filed with the Court.

Is currently scheduled to be completed by: [Date].

Has been waived by Order of the Court entered on: [Date]

Length of trial is estimated to be: _____ If less than one day, estimate by hours.

9. The possibility of settlement is considered to be: _____ The parties are to use their best efforts to narrow or settle the issues that have been certified for trial.

10. Discovery is:

Completed.

Will be completed by: [Date]

11. Additional discovery orders:

12. WITNESS AND EXHIBIT DISCLOSURE: **Pre-trial disclosures shall be consistent with Utah R. Civ. P. 26(a)(5) as follows, *at least 28 days before the first day of trial:***

- a. The name and, if not previously provided, the address and telephone number of each witness who will be called at trial, unless that witness will be solely for impeachment;
- b. The name of any witness whose testimony will be presented by transcript of a deposition. If such testimony will be offered, then a copy of the transcript with the proposed testimony being designated is to filed; and
- c. A copy of each exhibit (including charts, summaries, and demonstrative exhibits) are to be provided unless such exhibits are to be used for impeachment purposes. Each exhibit shall be separately identified in the same manner as counsel intends to identify the exhibit at trial.

13. Consistent with Utah R. Civ. P. 26(a)(5)(B), the parties are required to file and serve ***at least 14 days before the first day of trial*** the following:

- a. Counter designation of deposition testimony, objections, and grounds for the objections to the use of any deposition;
- b. Any objections to the admissibility of exhibits; and
- c. A Trial Memorandum which is to succinctly state the following information.
 - i. The issues that have been certified for trial; and
 - ii. A brief statement why the relief should be granted (moving party) or not be granted (responding party) for each issue certified for trial including the facts you intend to prove.

- d. If custody or parent time is at issue, each party must complete and submit the pretrial custody worksheet.

14. FINANCIAL DECLARATIONS: Unless otherwise indicated the parties are required to provide the following pre-trial disclosures *at least 28 days before the first day of trial*:

- a. The parties are to file a financial declaration updated no earlier than 56 days and no later than 28 days before trial, consistent with the form found at www.utcourts.gov/howto/family/financial_declaration. If assets or alimony are not at issue such as parentage, modification or grandparents' rights cases, the parties need only complete the income section of the financial declaration and provide documentation constant with U.R.C.P. 26.1(e)(2). Copies are to be exchanged between the parties and a courtesy copy is to be provided to the assigned judge at the time of filing; and
- b. The parties are to file copies of their federal income tax returns for the two most recent tax years. This is to include all schedules and copies of W-2 and 1099 forms provided to each party for the tax years disclosed. Copies are to be exchanged between the parties and a courtesy copy is to be provided to the assigned judge at the time of filing; and
- c. The parties are to file copies of their three most recent pay stubs. Copies are to be exchanged between the parties and a courtesy copy is to be provided to the assigned judge at the time of filing.

15. FURTHER PRE-TRIAL ORDERS

- a. The parties are to use their best efforts to stipulate to the presentation of evidence at trial including stipulations regarding foundation and admissibility prior to the first day of trial. Consistent with the Utah

Rules of Civil Procedure, this is to include the admissibility of exhibits (including stipulations, numbering, and objections to proposed exhibits).

16. This case is assigned to Judge _____

Date

District Court Commissioner
Marian H. Ito

EXHIBIT A
(Undisputed Facts and Resolved Issues)

1.

EXHIBIT B

(Petitioner's Unresolved and Remaining Claims)

INSTRUCTIONS: Please place an "X" next to Petitioner's unresolved and remaining claims certified for trial..

___ The Petitioner's issues certified for trial are as follows:

Physical custody/parent time (fill out custody worksheet)

___ Legal custody/terms of parenting plan (fill out custody worksheet)

___ Custody Eval. Costs

___ Transportation/exchanges

___ Child Support

___ Child Support Arrears

___ Income Level

___ Child Care

___ Child Care Arrears

___ Health Insurance

___ Premium Arrears

___ Non-Covered Costs

___ Non-Covered Arrears

___ Taxes

___ Alimony

___ Alimony Arrears

___ Debt Division:

___ Marital home (___ who should be awarded property; ___ division of equity)

___ Other Real Property

___ COBRA coverage

___ Retirement

___ Personal Property

___ Marital/Separate Property

___ Pet. Contempt (MTE filed _____)

___ Resp. Contempt (MTE filed _____)

___ Attorney Fees:

___ Business Equity

___ Dissipation of assets

___ Other

EXHIBIT C

(Respondent's Unresolved and Remaining Claims)

INSTRUCTIONS: Please place an "X" next to Respondent's unresolved and remaining claims certified for trial.

The Respondent's issues certified for trial are as follows:

- Physical custody/parent time (fill out custody worksheet):
- Legal custody/terms of parenting plan (fill out custody worksheet)
- Custody Eval. Costs
- Transportation/exchanges
- Child Support:
- Child Support Arrears
- Income Level
- Child Care
- Child Care Arrears
- Health Insurance
- Premium Arrears
- Non-Covered Costs
- Non-Covered Arrears
- Taxes
- Alimony

___ Alimony Arrears

___ Debt Division:

___ Marital home (___ who should be awarded property; ___ division of equity)

___ Other Real Property

___ COBRA coverage

___ Retirement

___ Personal Property

___ Marital/Separate Property

___ Petitioner's Contempt (MTE filed _____)

___ Resp Respondent's Contempt (MTE filed _____)

___ Attorney Fees

___ Business Equity

___ Dissipation of assets

___ Other