

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION**

_____,)
Petitioner,)
)
and) **Civil Action File No.** _____
)
_____,)
Respondent.)
)

PROPOSED PRE-TRIAL ORDER

Each party is required to complete each and every portion of this form that pertains to such party, and to return this form and the attachments with a cover sheet showing the style of the case, the Civil Action File Number, and the title, 'Proposed Pre-trial Order'. The original is to be filed directly with the Clerk, a courtesy copy shall be served with the case manager, and a copy shall be served on the other party no later than fourteen (14) days before the scheduled date of the late case evaluation or as otherwise ordered by the Court.

By seven (7) days prior to trial or as otherwise ordered by the Court the parties shall confer and consolidate statements and attachments and return this form and the attachments with a cover sheet showing the style of the case, the Civil Action File Number, and the title 'Consolidated Pre-trial Order'. The original is to be filed directly with the Clerk, a courtesy copy with the case manager and a copy shall be served on the other party.

After each party has been served with the opposing party's attachments, they may file an objection as to either the form or substance of such attachments and the contentions contained therein.

The primary purpose of this Order is to narrow the issues and to disclose to each side and to the Court what matters are in dispute and what matters are undisputed, agreed upon or stipulated.

The Court deems that all parties are under a continuing duty to promptly advise the other party prior to both the late case evaluation and trial if any new theory of liability or defense arises, if new witnesses or evidence is discovered, or if any statement in the Pre-trial Order is discovered to be misleading or untrue so as to mislead, deceive or cause surprise to any party or the Court.

I.

ATTORNEY INFORMATION

The following individually-named attorneys are hereby designated as lead counsel for the parties (include addresses, telephone and facsimile numbers):

Mother: _____

Father: _____

Guardian ad Litem: _____

II.

ISSUES OF JURISDICTION, VENUE OR SERVICE

Any issue of jurisdiction, venue, or service must be set forth in Attachment 'A' with particularity and the alleged fact basis for the same, or it is deemed waived.

III.

MOTHER'S CONTENTIONS

Mother has prepared Attachment 'B' which contains a short and concise statement explaining her contentions regarding the following issues where appropriate:

- A. Divorce/annulment - state the grounds for divorce or annulment;
- B. Paternity/legitimation;
- C. Child Custody - include with the concise statement the name(s) and age(s) of the child(ren); list all prior custody orders and/or visitation arrangements; and provide a proposed custody and visitation schedule;
- D. Child Support;
- E. Alimony/separate maintenance;
- F. Property Division - include proposed division using the attached form;
- G. Other.

IV.

FATHER'S CONTENTIONS

Father has prepared Attachment 'C' which contains a short and concise statement explaining his contentions regarding the following issues where appropriate:

- A. Divorce/Annulment - state the grounds for divorce or annulment;
- B. Paternity/legitimation;
- C. Child Custody - include with the concise statement the name(s) and age(s) of the child(ren); list all prior custody orders and/or visitation arrangements; and provide a proposed custody and visitation schedule;

- D. Child Support;
- E. Alimony/separate maintenance;
- F. Property Division - include proposed division using the attached form;
- G. Other

V.

FINANCIAL AFFIDAVITS

For actions involving alimony, child support, property division, and attorney's fees, both parties have prepared and attached hereto Financial Affidavits, Child Support Worksheet and Schedules pursuant to Uniform Superior Court Rule 24.2 (as modified for Family Division) with their proposed orders.

VI.

DISCOVERY

All discovery has been completed, unless otherwise noted in Attachment 'D', and the Court will not consider any further motions to compel discovery. Provided there is no resulting delay in readiness for trial, the parties shall, however, be permitted to take the depositions of any person(s) for the preservation of evidence and for use at trial.

VII.

MOTIONS

There are no motions or other matters pending for consideration by the court except as indicated in Attachment 'E'. This excludes Motions in Limine which should be presented to the Court as soon as possible prior to commencement of trial.

VIII.

LIST OF WITNESSES

Attached hereto as Attachment 'F-1' for the Mother and Attachment 'F-2' for the Father, is a list of all the witnesses and their addresses. The list must designate the witnesses whom the party *will* have present at trial and those witnesses whom the party *may* have present at trial. Each and every witness, even if a factual witness only, who, by reason of training, skill, or experience, could be qualified at trial to render an expert opinion must be listed as a potential *expert* witness.

A witness designated by a party as one who *will* be present can be relied upon by the other party to be at trial without the necessity of subpoena, unless notice to the contrary is given ten (10) days prior to trial to allow the other party(s) to subpoena the witness or to obtain testimony by other means. A party must subpoena or otherwise independently arrange to have witnesses present that are listed as witnesses that the party *may* call.

A witness presently known to a party who is not listed by such party, or any other party, cannot be called to testify at trial without good cause. For example, good cause may be that by the time of trial such witness was already known by the other party, or that the party has timely notified the other party of this additional witness. Other examples of good cause may be where such additional witness has just been discovered or the witness will testify to matters recently brought into issue before or at trial.

IX.

DOCUMENTARY EVIDENCE, EXHIBITS AND RELATED COURT ORDERS

Parties should mark for identification all exhibits she or he presently, in good faith, expects to introduce at trial. Further, the parties are directed to exhibit and, where possible, furnish a copy

of such evidence to the opposing party prior to the late case evaluation conference. All such exhibits shall be made available for review at the late case evaluation.

Attached to each party's proposed Pre-trial Order shall be Attachment 'G-1' for Mother and Attachment 'G-2' for Father, each listing exhibits that will be used at trial and briefly describing each exhibit with sufficient particularity.

Attached to the Consolidated Pre-trial Order shall be Attachment 'G-1' for Mother and Attachment 'G-2' for Father, each listing exhibits that will be used at trial by their respective numbers and briefly describing each exhibit with sufficient particularity so that the opposing party, after viewing the other party's Attachment and seeing the list, can identify specific exhibits for purpose of objection. Unless noted, the parties have stipulated as to the authenticity of the documents listed and the exhibits listed may be admitted without further proof of authenticity.

If either party discovers or determines that an exhibit(s) will be tendered at trial which is not listed on their Attachment, then he or she must furnish a copy of the exhibit(s) or notify the opposing party of this matter as soon as practical and no later than prior to the pre-trial hearing. Do not attach the documents or copies of the documents to this Order.

A copy of the Final Judgment and Decree of Divorce, if applicable, and any other temporary or permanent orders relating to the issues of this case shall be attached to this Order.

X.

PECULIAR PROBLEMS OR CONTINGENCIES REGARDING THIS CASE

Each party has set forth any problems or contingencies regarding this case in Attachment H'.

XI.

BRIEF OF AUTHORITIES AND EVIDENTIARY PROBLEMS

Each party has requested to set forth any evidentiary problems known or foreseen by them at this time. When desired, they may also submit case authority in support of, or in opposition to, such evidence if tendered at trial.

All statutes, ordinances and regulations relied upon by either party shall be set forth in attachment 'I-1' for Mother and Attachment 'I-2' for Father. The parties may submit any trial briefs they so desire.

XII.

EXPECTED TRIAL LENGTH

Mother: _____

Father: _____

ANSWER THE FOLLOWING IN THE EVENT EITHER PARTY HAS FILED A JURY DEMAND:

XIII.

QUALIFICATION OF JURY

Attached hereto as Attachment 'J' and made a part of this order by reference are the questions which the parties request that the Court propound to the jurors concerning their legal qualifications to serve and associations that parties and counsel have that may create a conflict of interest.

XIV.

REQUEST TO CHARGE/VERDICT FORM

Requests to charge must be submitted at the time the case is called for trial. Requests which are not timely filed will not be considered except as permitted by the Court. Parties are directed to refer to the latest edition of the Council of Superior Court Judges of Georgia, Suggested Pattern Jury Instructions: Civil Cases, 3rd ed., Vol. 1, in preparing the requests to charge. Those charges will generally be given by the Court where applicable. Further, parties are cautioned that they need to submit charges peculiar and particularly tailored to the case because the Court will use such charges to flesh out the standard charges.

Parties also are directed to submit proposed verdict forms at the time the case is called for trial.

It is hereby ORDERED that the foregoing, including the attachments thereto, shall constitute the Pre-trial Order in the above case and supersede the pleadings which are hereby amended to conform hereto, and this Pre-trial Order shall not be amended except by mutual consent or by order of the Court to prevent manifest injustice.

This ____ day of _____, 200__.

[NAME] _____, JUDGE
FULTON COUNTY SUPERIOR COURT/FAMILY DIVISION
ATLANTA JUDICIAL CIRCUIT

Each party hereby consents to entry of the foregoing Pre-trial Order, which has been prepared in accordance with the form Pre-trial Order adopted by this Court.

MOTHER

FATHER