The Business Court of Texas,
***** Division**

[Plaintiff(s)],	§	
Plaintiff(s),	§	
v.	§	Cause No. _____
[Defendant(s)],	§	
Defendant(s).	§	

Joint Pretrial Report and Proposed Pretrial Order

Instructions: The parties must confer on and jointly file this proposed pretrial order, which will be discussed with the Court at the pretrial conference. After the pretrial conference, the Court will issue its pretrial order. Please fill in the bracketed material as indicated below. Parties must make a thorough and good-faith effort to reach agreement, but if the parties cannot agree, they may specify separate answers as demonstrated below. Do not add argument—the Court will request briefing as needed. All instructions (in red) should be deleted before filing.

I. Brief Summary of Claims & Defenses

Instructions: Each party should summarize their own claims and defenses in no more than 300 total words for all of the party's claims and defenses.[1] Parties need not agree with other parties' summaries. If additional claims or defenses are asserted, such as third-party claims, please add them in the same format used below. Party names may be added after "Plaintiff," "Defendant," etc.

Plaintiff's Claims: [summary of Plaintiff(s') claims]

Defendant's Affirmative Defenses: [summary of Defendant(s') affirmative defenses]

Defendant's Counterclaims: [summary of Defendant(s') counterclaims, if any]

[1] Aligned parties may submit a single summary for multiple parties.

Plaintiff's Affirmative Defenses to Counterclaims: [summary of Plaintiff(s') affirmative defenses to counterclaims, if any]

II. Jurisdiction, Trial Venue, & Applicable Law

Instructions: If the parties disagree on the answers below, they may specify separate answers, such as: "Plaintiff contends Texas law applies to the contract claim" and "Defendant contends that Delaware law applies to the contract claim."

There [is / is not] a pending dispute over jurisdiction or venue in this case.

The substantive laws of [the State of Texas / other jurisdiction] govern [this action / specify claim(s) if some claims are governed by different substantive law].

III. Stipulated Facts

Instructions: Provide any stipulated facts in the number brackets below, adding to the list as needed. If the parties have not agreed to stipulated facts, state "none."

The parties have agreed to the following stipulated fact:

1. [stipulated fact 1]
2. [stipulated fact 2]
3. …

IV. List of Contested Issues (Bench Trial Only)

Instructions: If the case is to be decided by bench trial, please identify the key[2] contested fact and legal issues in the numbered brackets below, adding to the list as needed. If the case is to be tried to a jury, leave this section blank.

The parties have identified the following key contested fact issues:

1. [contested fact 1]
2. [contested fact 2]
3. …

The parties have identified the following key contested legal issues:

1. [contested legal issue 1]
2. [contested legal issue 2]

[2] Parties need not identify every disputed fact or legal issue; only those that are central to resolution of the case. This is not a substitute for the procedure for findings of fact and conclusions of law under Part II, Section 11 (G) of the Texas Rules of Civil Procedure.

3. …

V. Outstanding Questions of Law

Instructions: Parties should identify any important legal issues that have been fully briefed and should be decided by the Court before trial to facilitate judicial efficiency and/or potential settlement. If no issues fit that description, state "none." If one party believes that an issue fits that description and another party does not, list the issue and identify the issue's proponent in parentheses. For example, "1. Which party has the burden of proof on Plaintiff's fiduciary-duty claim (Defendant)."

Adjudication of the following outstanding, purely legal questions before trial will facilitate, streamline, or otherwise make for a more efficient trial or other resolution of this case:

1. [legal issue 1]
    a. This issue was briefed in: [identify any motions, responses, replies, and trial briefs in which this issue was briefed by name and date].
2. [legal issue 2]
    a. This issue was briefed in: [identify any motions, responses, replies, and trial briefs in which this issue was briefed by name and date].
3. …

VI. Witnesses

The parties have exchanged witness lists. Plaintiff(s) intend(s) to call the following witnesses:

[list witnesses]

Defendant(s) intend(s) to call the following witnesses:

[list witnesses]

VII. Agreed and Disputed Exhibits

Instructions: The proposed date(s) for the parties to file the Joint Agreed Exhibit List and Joint Disputed Exhibit List must be at least 5 business days before the trial date in the Scheduling Order. The purpose of these lists is to facilitate preadmission of exhibits and pretrial rulings on evidentiary disputes. The lists will not operate as waiver and need not include every possible potential objection.

The parties have exchanged their exhibit lists and provided the Court with an exhibit binder in compliance with the case's scheduling order. The parties will confer regarding the exhibits' admissibility by [date].

By [date], the parties must file a **Joint Agreed Exhibit List** that identifies any exhibits that the Court may admit without objection, using the following format:

Exhibit #	**Description**
PX1	Letter from A to B dated 9/1/2024
PX2	Photograph of land taken 9/1/2024
…	…
DX1	Bylaw of Corporation
DX2	Email from A to B dated 9/1/2024

By [date], the parties will file a **Joint Disputed Exhibit List** that identifies all exhibits to which a party objects, stating the general nature of the objection as succinctly as possible and without argument, using the format below.

Exhibit #	**Objection**	**Description**
PX1	hearsay	Letter from A to B dated 9/1/2024
PX2	relevance	Photograph of land taken 9/1/2024
…		…
DX1	authenticity disputed	Bylaw of Corporation
DX2	TRE 403	Email from A to B dated 9/1/2024

VIII. Deposition Excerpts

Instructions: The proposed date(s) for the parties to file the Joint Agreed Deposition Designations and the Joint Disputed Deposition Designations must be at least 5 business days before the trial date in the Scheduling Order.

The parties have exchanged their deposition excerpts and cross-designations in compliance with the case's scheduling order. By [date], the parties will confer regarding the admissibility of this deposition testimony and identify any discrepancies in deposition audio/video cuts.

By [date], the parties must file **Joint Agreed Deposition Designations** that identify (by witness, page, and line) any deposition designations to which no party objects, using

the format below. If a party objects to only part of a designation, the unobjected-to portion of the designation must be included in the Joint Agreed Deposition Designations.

Witness	Page:Line
Jane Smith	12:1–5
	13:7–16
	17:2–10
Bob Jones	3:4–12
	4:16–20

By [date], the parties must file **Joint Disputed Deposition Designations** that identify any deposition designations to which a party objects, stating the general nature of the objection as succinctly as possible and without argument, using the format below. Only the objected-to portion of a designation may be included in the Joint Dispute Deposition Designations.

Witness	Page:Line	Objection
Jane Smith	12:6–11	hearsay
	13:18–22	lack of personal knowledge
	17:15–23	TRE 403
Bob Jones	3:13–18	relevance
	4:21–24	hearsay

IX. Motions in Limine

Instructions: The proposed date for the parties to notify the Court of any agreed limine matters must be at least 5 business days before the trial date in the Scheduling Order.

The parties have filed their motions in limine in compliance with the scheduling order in this case. The parties will confer regarding such motions by [date] and will notify the Court in writing of any agreed limine matters by [date].

X. Pretrial Conference & Pretrial Hearing

The Court has scheduled a pretrial conference. At this conference, the parties must be prepared to discuss the following, if applicable:

- jurisdiction, venue, and choice-of-law disputes,

- purely legal issues that may be resolved before trial,
- Court procedures for a bench or jury trial,
- treatment of stipulated facts in the jury charge,[3]
- jury charge questions, instructions, and definitions,
- pretrial admission of agreed and/or disputed exhibits,
- treatment of pre-admitted exhibits that are not used with a witness at trial,
- pretrial admission of agreed and/or disputed deposition testimony,
- motions in limine,
- any scheduling and logistics for trial,
- ADR and settlement negotiations, and
- any other matters that may facilitate trial or resolution of the case.

After the pretrial conference, the Court will issue its Pretrial Order. The Court may also issue orders on the above matters. The Court will hold a pretrial hearing at which it will, to the extent practicable and appropriate, preadmit exhibits and hear arguments on outstanding admissibility and limine disputes, as well as other legal issues that should be resolved in advance of trial.

XI. Trial

Instructions: If the case includes third parties, intervenors, or other participants who will present evidence at trial, please include timing estimates for those parties as well, in the formatting below.

Plaintiff(s) request(s) [__] hours to present their case.

Defendant(s) request(s) [__] hours to present their case.

Each [side / party] requests [__] minutes for voir dire.

Each [side / party] requests [__] minutes for opening statements.

Each [side / party] requests [__] minutes for closing statements.

[3] The parties' proposed jury charges and any pretrial discussion of the jury charge are not a substitute for the jury charge conference at trial and do not relieve the parties of their burden to preserve error.

[signature blocks and certificates]