



United States District Court  
**DISTRICT OF MINNESOTA**

**LR 16.6 FINAL PRETRIAL CONFERENCE**

**(a) Timing.** No more than 45 days before trial — except in a proceeding listed in Fed. R. Civ. P. 26(a)(1)(B) — the court must hold a final pretrial conference. This final pretrial conference may be combined with the mediated settlement conference required by LR 16.5(b).

**(b) Matters for Discussion.** At the final pretrial conference, the parties must be prepared to discuss with the court:

- (1) stipulated and uncontroverted facts;
- (2) issues to be tried;
- (3) disclosure of all witnesses;
- (4) exhibit lists and the exchange of copies of all exhibits;
- (5) motions in limine, pretrial rulings, and, where possible, objections to evidence;
- (6) disposition of all outstanding motions;
- (7) elimination of unnecessary or redundant proof, including limitations on expert witnesses;
- (8) itemized statements of each party's total damages;
- (9) bifurcating the trial;
- (10) limits on the length of trial;
- (11) jury-selection issues;
- (12) facilitating in other ways the just, speedy, and inexpensive disposition of the action, such as, for example, presenting testimony by way of deposition or by a summary written statement; and
- (13) any other matter identified in Fed. R. Civ. P. 16(c) and (e), Fed. R. Civ. P. 26(a)(3), or LR 39.1.

**(c) Jury Instructions in Patent Cases.** If the case involves a claim arising under the patent laws that is to be tried to a jury, the parties must confer before the final pretrial conference with the goal of agreeing on a common set of model jury instructions to be used as a template for each party's proposed jury instructions.

**(d) Final Pretrial Order.** After the final pretrial conference, the court must issue a final pretrial order that includes:

- (1) a deadline for filing and serving motions in limine;
- (2) a deadline for the disclosures required by Fed. R. Civ. P. 26(a)(3);
- (3) a deadline for filing and exchanging the documents identified in LR 39.1(b); and
- (4) any other deadline.

[Adopted effective November 1, 1996, amended February 9, 2006; amended July 23, 2012]

#### **2012 Advisory Committee's Note to LR 16.6**

The language of LR 16.6 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

Subsection (b) of LR 16.6 has been revised in two ways. First, subsection (b) was revised to clarify that although parties must be prepared to discuss the listed subjects, if some of the subjects are not relevant in a particular case, the court is not required to discuss them. Second, item (b)(13) was added to clarify that the final pretrial conference can embrace any of the subjects identified in the relevant provisions of the Federal Rules of Civil Procedure.

#### **2005 Advisory Committee's Note to LR 16.6(c)**

The Committee recognizes that there are several model jury instructions that could be used as a template for proposed jury instructions. Specifically, model jury instructions issued by the United States Courts of Appeals for Fifth, Ninth, and Eleventh Circuits, the United States District Courts for the District of Delaware and the Northern District of California, the American Intellectual Property Law Association, and the Federal Circuit Bar Association might be appropriate.

#### **1996 Advisory Committee's Note to LR 16.6**

LR 16.6's requirement of a final pretrial conference is intended to facilitate the efficient trial of the case while minimizing the element of surprise. The Rule is also designed to provide some uniformity among the members of the Court with respect to the content of the final pretrial order.