**CR 16**

**PRETRIAL PROCEDURE AND FORMULATING ISSUES**

**~~(a)~~****~~Hearing Matters Considered~~**~~. By order, or on the motion of any party, the court may in its discretion direct the attorneys for the parties to appear before it for a conference to consider:~~

 ~~(1) The simplification of the issues;~~

 ~~(2) The necessity or desirability of amendments to the pleadings;~~

 ~~(3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;~~

 ~~(4) The limitation of the number of expert witnesses;~~

 ~~(5) Such other matters as may aid in the disposition of the action.~~

 **(a) Pretrial Report.** All parties shall participate in completing a joint pretrial report filed no later than the date provided in the case schedule or court order. The pretrial report shall contain the following:

 (1) A brief nonargumentative summary of the case;

 (2) The agreed material facts;

 (3) The material issues in dispute;

 (4) The names of all lay and expert witnesses, excluding rebuttal witnesses;

 (5) An exhibit index (excluding rebuttal or impeachment exhibits);

 (6) The estimated length of trial and suggestions for shortening the trial; and

 (7) A statement whether additional alternative dispute resolution would be useful before trial.

 **(b) Pretrial Conference**. Each attorney with principal responsibility for trying the case and each unrepresented party shall attend any scheduled pretrial conference. At a pretrial conference, the court may consider and take appropriate action on the following matters:

 (1) Formulating and simplifying the issues and eliminating claims or defenses;

 (2) Obtaining admissions and stipulations about facts and documents to avoid unnecessary proof, and addressing evidentiary issues;

 (3) Adopting special procedures for managing complex issues, multiple parties, difficult legal questions, or unusual proof problems;

 (4) Establishing reasonable time limits for presenting evidence;

 (5) Establishing deadlines for trial briefs, motions in limine, deposition designations, proposed jury instructions, and any other pretrial motions, briefs, or documents;

 (6) Resolving any pretrial or trial scheduling issues; and

 (7) Facilitating in other ways the just, speedy, and inexpensive disposition of the action.

 **(c) Pretrial Order.** The court shall ~~make~~ enter an order ~~which recites~~ reciting the following:

 (1) the action taken at the conference~~,~~;

 (2) the amendments allowed to the pleadings~~,~~; and

 (3) the parties’ agreements ~~made by the parties as to~~ on any ~~of the~~ matters considered~~,~~.

The pretrial order ~~and which~~ limits the issues for trial to those not disposed of by admissions or agreements of counsel~~;~~ and ~~such order when entered~~ controls the subsequent course of the action~~,~~. However, the trial court should freely amend the order at trial absent prejudice demonstrated by the amendment.~~unless modified at the trial to prevent manifest injustice. The court in its discretion may establish by rule a pretrial calendar on which actions may be placed for consideration as above provided and may either confine the calendar to jury actions or to nonjury actions or extend it to all actions.~~