

[NEW] RCCH RULE 12.1

PRETRIAL STATEMENT

Unless otherwise ordered by the court, the parties shall serve and file separate pretrial statements no later than seven days before any final pretrial conference scheduled by the court, and if no such conference has been set, then no later than fourteen days before trial. The pretrial statement shall contain the following information:

(a) Party. The name of the party or parties on whose behalf the statement is filed.

(b) Substance of Action. A brief description of the substance of the claims and defenses presented.

(c) Undisputed Facts. A plain and concise statement of all material facts not reasonably disputable. Counsel are expected to make a good faith effort to stipulate to all facts not reasonably disputable for incorporation into the trial record without the necessity of supporting testimony or exhibits.

(d) Disputed Factual Issues. A plain and concise statement of all disputed factual issues.

(e) Relief Prayed. A detailed statement of all relief requested for all claims and defenses asserted, including a particularized itemization of all elements of damages claimed.

(f) Points of Law. A concise statement of each disputed point of law with respect to liability and relief, with reference to statutes and decisions relied upon. Extended legal argument is not to be included in the pretrial statement.

(g) Witnesses to be Called. A list of all witnesses likely to be called at trial.

(h) Exhibits, Schedules, and Summaries. A list of all documents and other items to be offered as exhibits at the trial, except for impeachment or rebuttal, with a brief statement following each, describing its substance or purpose and the identity of the sponsoring witness.

(i) Further Discovery or Motions. A statement of any uncompleted discovery or undecided motions that may impact trial proceeding as scheduled.

(j) Stipulations and requests or judicial notice. A statement of stipulations requested or proposed for pretrial or trial purposes. Identification of any request for judicial notice of fact or law with supporting documentation and certification by the party that notice pursuant to the Hawaii Rules of Evidence, statute, rule, or case law has been provided to all other parties.

(k) Amendments, Dismissals. A statement of requested or proposed amendments to pleadings or dismissals of parties, claims, or defenses.

(l) Alternative Dispute Resolution. A statement summarizing the status of any alternative dispute resolution process that may impact trial.

(m) Estimate of Trial Time. An estimate of the number of court days expected to be required for the presentation of each party's case. Counsel must make a good faith effort to reduce the time required for trial by all means reasonably feasible, including stipulations, agreed statements of facts, expedited means of presenting testimony and exhibits, and the avoidance of cumulative proof.

(n) Miscellaneous. Any other subjects relevant to the trial of the action or proceeding, or material to its just, efficient, and economical determination. Each party shall specify any equipment or technology not provided by the court that it plans to use in presenting its case. Every party must use reasonable efforts to share the cost of equipment or technology not provided by the court that is necessary and is used to present evidence, giving due consideration to each party's financial means to share costs.