

A car owner brought a federal diversity action against the car's manufacturer, alleging that the manufacturer had fraudulently misrepresented the car's compliance with federal emissions standards. The manufacturer answered, denying the allegations.

After discovery closed, the court entered a final pretrial order setting out the issues for trial. One week later, the owner moved to amend the order to include the issue of whether the manufacturer had also fraudulently misrepresented the car's fuel economy.

What standard will the court use to determine whether to grant the owner's motion?

- A. The motion may be granted if justice so requires.
- B. The motion may be granted if the owner's omission of the fuel economy issue was due to oversight, inadvertence, or excusable neglect.
- C. The motion may be granted only for good cause.
- D. The motion may be granted only to prevent manifest injustice.

Correct

Collecting Statistics

01 min, 34 secsTime Spent

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Explanation:

Pretrial conferences

(FRCP 16(c))

Purpose

Matters for consideration

Expedite litigation

Eliminate frivolous claims & defenses
Obtain admissions & stipulations
Set timeline for summary judgment & dispose of pending motions
Schedule discovery, pretrial briefs & future conferences

Improve quality of trial

Amend pleadings
Refer matters to magistrate or master
Require separate trial for different claims
Adopt special procedures for complex/unusual legal issues
Rule on admissibility of evidence
Avoid cumulative evidence & limit expert testimony
Establish order & time limit for presentation of evidence

Facilitate settlement

Facilitate just, speedy & inexpensive resolution

FRCP = Federal Rule of Civil Procedure.

A federal court judge may hold one or more pretrial conferences with the parties' attorneys or unrepresented parties. At these conferences, the judge has broad discretion to address and act on a wide range of issues to help expedite litigation, improve the trial's quality, and facilitate settlement. At the final pretrial conference before trial, the judge will enter a **final pretrial order** that **sets forth a plan for trial**. The court may **amend and modify this order** only to **prevent manifest injustice**. Therefore, this is the standard that the court will use to determine whether to grant the owner's motion to amend the court's final pretrial order.

(Choice A) A federal court may freely grant leave to amend [pleadings](#) and should do so when justice so requires. But here, the owner moved to amend the court's final pretrial order—not the owner's complaint. Therefore, this standard does not apply.

(Choice B) A federal court may grant [extraordinary relief](#) from a final judgment that was entered due to the oversight, inadvertence, or excusable neglect of the parties or the court. But the owner is not seeking relief from a final judgment, so this standard is inapplicable.

(Choice C) A pretrial scheduling order—ie, a court order that schedules and manages the pleadings, motions, discovery, and other matters in a case—may be modified only for good cause and with the judge's consent. However, a final pretrial order may be modified only to prevent manifest injustice.

Educational objective

At the final pretrial conference, a federal court judge will issue a final pretrial order that sets forth a plan for trial. The court may modify this order only to prevent manifest injustice.

References

Fed. R. Civ. P. 16(e) (setting forth the standard to modify a final pretrial order).

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