

A group of neighbors sued a power plant in a federal court for allegedly contaminating the river that flows through their properties. In its answer, the power plant included a counterclaim for defamation. The power plant claimed that the neighbors maliciously spread false information that it had contaminated the river.

One week before the start of trial, the judge and the parties had a final pretrial conference. At the conference, the judge ordered a separate trial for the power plant's defamation claim, decided that the river contamination trial would proceed first, and established that each party would get five days to present evidence in each trial as this was the customary time allotted in the jurisdiction. The power plant objected to each of these orders.

At the river contamination trial, the jury found in favor of the neighbors and awarded them \$3 million in damages. As a result of this trial, the judge dismissed the power plant's defamation counterclaim.

The power plant appealed, arguing that the trial judge's orders during the pretrial conference were invalid.

How is the federal appellate court likely to rule?

- A. Affirm all three orders.
- B. Reverse the trial judge's order requiring a separate trial on the counterclaim.
- C. Reverse the trial judge's order allowing each side just five days to present evidence.
- D. Reverse the trial judge's order to hear the river contamination trial before the defamation trial.

Explanation:

Pretrial conferences

(FRCP 16(c))

Purpose	Matters for consideration
Expedite litigation	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• Facilitate just, speedy & inexpensive resolution

FRCP = Federal Rule of Civil Procedure.

Under Federal Rule of Civil Procedure 16, a federal district court judge may hold one or more **pretrial conferences** to help expedite litigation, improve the trial's quality, and facilitate settlement. At these conferences, the **judge has broad discretion** to address and act on a **wide range of issues**, including:

- **requiring separate trials** of a claim, counterclaim, crossclaim, third-party claim, or other issue **(Choice B)**
- determining the **order** in which the **separate trials will be heard (Choice D)** *and*
- establishing a reasonable **time limit to present evidence** at trial **(Choice C)**.

On appeal, these discretionary orders are reviewed for abuse of discretion. Under this [standard of review](#), the appellate court gives great deference to the district court judge and will only reverse an unreasonable or arbitrary order.

Here, the district court judge had authority to issue the pretrial conference orders, and there is no indication that those orders were unreasonable or arbitrary. Therefore, the appellate court will likely affirm all three orders.

Educational objective:

During pretrial conferences, a trial judge has wide discretion to issue orders—eg, (1) requiring separate trials for different claims, (2) deciding the order of trials, and (3) establishing a reasonable time limit to present evidence. On appeal, such orders are reviewed for abuse of discretion and will only be reversed if unreasonable or arbitrary.

References

- Fed. R. Civ. P. 16 (pretrial conferences).

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