



IRFLP 704 Pretrial Memorandum or Pretrial Stipulation.

Idaho Rules of Family Law Procedure Rule 704. Pretrial Memorandum or Pretrial Stipulation.

(a) **Contents of a Pretrial Memorandum.** The pretrial memorandum must include the following:

- (1) a concise description of the nature of the action;
- (2) a statement of all claims, including defenses;
- (3) any admissions or stipulations of the parties;
- (4) any amendments to the pleadings and any issues of law abandoned by any of the parties;
- (5) a statement of the issues of fact which remain to be litigated at the trial, and any dispute as to whether such issues are formed by the pleadings;
- (6) a statement of the issues of law which remain to be litigated at the trial;
- (7) points and authorities on remaining issues of law;
- (8) a list of the names and addresses of all witnesses which each party may call to testify at the trial, including known impeachment witnesses, and a brief statement of their anticipated testimony;
- (9) where property or debt division is at issue, a completed "Form 1" as found in the Appendix of these rules or a Property and Debt Schedule containing comparable information;
- (10) where child support is at issue, a completed Affidavit Verifying Income and proposed child support



calculations; and

(11) where child custody is at issue, a proposed parenting plan.

(b) **Pretrial Stipulation in Lieu of Pretrial Conference.** The parties may agree or the court may require the parties to submit a pretrial stipulation in lieu of conducting a final pretrial conference.

(c) **Additional Contents of a Pretrial Stipulation.** A pretrial stipulation must include the following:

(1) all contents required in the pretrial memorandum;

(2) a statement that the parties or attorneys have produced for examination all exhibits required to be produced at the final pretrial conference;

(3) a proposed exhibit list;

(4) a statement that the parties or attorneys will not offer any exhibits at the trial other than those listed in subsection (3), except when offered for impeachment purposes or when otherwise permitted by the court in the interest of justice;

(5) a statement that the parties or attorneys have in good faith discussed settlement unsuccessfully;

(6) a statement that all disclosures and discovery procedures under the Rules dealing with disclosure, discovery and subpoena section have been completed except that the parties may show good cause for the entry of an order allowing such discovery procedures to be taken within a specific time before trial;

(7) a statement that all answers or supplemental answers to interrogatories under Rule 405 reflect facts known as of the date of the stipulation;

(8) a statement that all other undisclosed witnesses will be excluded from testifying in the trial of the action unless permitted by the court in the interest of justice; and



(9) a proposed pretrial order consistent with the parties' stipulations.

(Adopted March 29, 2021, effective July 1, 2021.)

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