CIVIL

Pre-Trial Decision

69. **Pretrial Orders**

We review a ruling on whether offered evidence is within the scope of the issues presented in the pretrial order for abuse of discretion. See **Lopez v. Josephson**, 2001 MT 133, ¶ 14, 305 Mont. 446, 30 P.3d 326; see also **Point Serv. Corp. v. Myers**, 2005 MT 322, ¶ 18, 329 Mont. 502, 506, 125 P.3d 1107, 1111. A pretrial order supersedes the pleadings. **Siegle v. Helmuth**, 2009 MT 447N, ¶ 1.

We review a district court's discretionary rulings, such as denying a motion to amend the pretrial order, for an abuse of discretion. **Hobble-Diamond Cattle Co. v. Triangle Irrigation Co.**, 249 Mont. 322, 323, 815 P.2d 1153, 1154 (1991) ("The sole issue on appeal is whether the [d]istrict [c]ourt abused its discretion in denying Hobble-Diamond's motion to amend . . . the pretrial order . . . .").

It is well established that courts may impose sanctions for a party's failure to obey a pretrial order. In cases involving a failure to comply with a pretrial order, pursuant to Rule 16(f), M.R.Civ.P., we have stated that the proper standard of review is whether the District Court abused its discretion. See **Watson v. West**, 2009 MT 342, 353 Mont. 120, 218 P.3d 1227.

Pretrial orders should be liberally construed, and district court decisions in this context are reviewed for abuse of discretion. See **Hallenberg v. Gen. Mills Operations**, Inc., 2006 MT 191, ¶ 1, 333 Mont. 143, 144, 141 P.3d 1216, 1218. **Hjartarson v. Hjartarson**, 2006 MT 273, ¶ 33, 334 Mont. 212, 220, 147 P.3d 164, 170-71 ("The pretrial order should be construed liberally, but the theory or issue must be included, at least implicitly, in the pretrial order.")