

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

vs.

Plaintiff(s),

Defendant(s).

Case No.

CASE SCHEDULING PLAN

1. This plan is submitted by the following party/parties _____

_____.
2. This plan:
 - a. ☐ **Has been** stipulated to by all parties.
 - b. ☐ **Has not been** stipulated to by all parties.
3. The following trial dates are requested. **Trial must be set to begin within 540 days from the date the original complaint was filed. If the parties do not believe the case can be ready to be tried within that timeframe, you must let the Court's clerk know.** Do not attach "unavailable dates." Trials will typically be held Wednesday through Friday, 9:00 a.m. to 3:00 p.m. (MST). The Court's clerk will confirm dates with counsel if preferences cannot be met. A pretrial conference will be scheduled 14 days prior to trial. Motions in limine must be filed no later than 14 days prior to the pretrial conference. Trial exhibit lists, witness lists, jury instructions, and pre-trial memorandums (if any) must be filed no later than eight (8) days prior to trial. Trial exhibits must be submitted to the Court and all parties no later than four (4) days prior to trial.
 - a. Week of Monday, _____, 20_____.
 - b. Week of Monday, _____, 20_____.
 - c. Week of Monday, _____, 20_____.

4. Parties estimate the case will take _____ days to try, and the case to be tried as a:
- ☐ Court Trial
 - ☐ 12 Person Jury Trial
 - ☐ 6 Person Jury Trial

5. The following scheduling deadlines are requested:

a. **JOINDER OF PARTIES AND AMENDMENT OF PLEADINGS.**

The last day to **file and hear** amendments to any pleading (including amendments to add claims for punitive damages), or to join any additional parties, shall be _____. Unless otherwise stipulated, all motions to amend including motions to amend for punitive damages and motions to add additional parties shall be **filed and heard** no later than **180 days before trial**.

b. **ADVANCING EXPERTS.** Plaintiffs and Counterclaimants shall identify and disclose all expert witnesses to be used at trial by _____.

c. **RESPONDING EXPERTS.** Defendants and Counter-Defendants shall identify and disclose all rebuttal expert witnesses to be used at trial by _____.

d. **REBUTTAL EXPERTS.** Plaintiffs and Counterclaimants shall identify and disclose all rebuttal expert witnesses to be used at trial by _____.

e. **DUTY TO DISCLOSE:** Contemporaneously with the deadline for disclosure for any expert witness, and regardless of whether there is a pending interrogatory seeking such information, the party disclosing any expert(s) must also provide all information concerning such expert as is required by I.R.C.P. 26(b)(4)(A)(i) and (ii).

f. **DISCOVERY CUTOFF.** The last day to complete any fact discovery shall be _____, and the last day to complete any expert discovery shall be _____. All discovery, including serving an interrogatory, requesting the production of documents, issuing third-party subpoenas for documents, requests for inspection, requests for examination, requests for admission, and noticing a deposition, must be served far enough in advance so that such discovery can be completed by these dates. These deadlines do not affect a party's duty to supplement discovery, as set forth in I.R.C.P. 26(e).

g. **ELECTRONIC DISCOVERY.** If this case involves any request for, or the exchange of, electronically stored information (“ESI”), then the parties must engage in an ESI conference in which they must confer either in-person or over the phone within 10 days from a formal discovery request for ESI. At the ESI conference, the party responding to a request for ESI must identify and disclose:

- i. The reasonably accessible sources of relevant ESI (including but not limited to all sources where relevant ESI is located, stored, or saved);
- ii. The methods that will be, or have been, used to cull relevant ESI (including but not limited to any search terms or other methodologies used to identify, search for, and produce ESI);
- iii. The scope of discoverable ESI (including the identification of the types of ESI that will be identified, preserved, searched, and produced and the time frame applicable to the ESI that will be preserved, identified, and produced);
- iv. The formats that all relevant ESI will be preserved and produced; and
- v. The potential need for a protective order or any other procedures for handling privileged or inadvertently produced information.

Counsel for each party must review and understand how his or her client’s ESI is stored and retrieved before the ESI conference. Any disputes regarding ESI (including but not limited to disputes regarding: the burden, expense, efforts, or delay associated with identifying, preserving or producing ESI, work-product or privilege issues, or any issues regarding the need, discoverability, or relevance of the information) that the parties are unable to resolve, must be presented to the Court at a status conference. A discovery status conference to discuss any ESI dispute must be scheduled with the Court prior to the filing of any motion to compel or motion for protective order concerning such ESI.

h. **DISPOSITIVE MOTIONS.** All dispositive motions *shall* be filed no later than **120 days before trial**. The parties may *not* alter this deadline. A failure to file any summary judgment in compliance with this rule may result in no summary judgment being scheduled and the motion summarily denied. DUE TO COURT CALENDAR CONGESTION YOU SHOULD *NOT* WAIT UNTIL THE LAST DATE TO FILE

DISPOSITIVE MOTIONS BECAUSE THE COURT MAY *NOT* BE ABLE TO ACCOMMODATE A TIMELY HEARING FOR YOUR MOTION. Before scheduling a hearing for a motion for summary judgment or motion to amend the complaint or counterclaim, the party must file the motion and memorandum in support and then contact the Court's clerk for a hearing date.

i. **MOTIONS FOR CONTINUANCE.** Continuances are discretionary with the Court and will be granted only under extraordinary circumstances, not within the control of the parties and not foreseeable. A hearing or trial may be continued only by order of the Court. Continuances will be granted sparingly **and will not be granted solely because the parties have stipulated to continue.** Any request for a continuance must be made by a motion signed by counsel and supported by an affidavit stating: (1) when the need for a continuance arose; (2) the grounds and reasons for the continuance; (3) measures taken to avoid the necessity for a continuance; (4) when the parties can be ready to proceed; and (5) whether all parties agree to the continuance and all efforts made to secure an agreement with the parties as to the continuance.

j. **DISCOVERY MOTIONS.** Motions filed under I.R.C.P. 37 must comply with such rule. In addition, all discovery motions (*e.g.*, to compel, to quash, and for protective orders) must be accompanied by an affidavit showing the efforts made to resolve the dispute before the motion was filed. Reasonable expenses incurred when successfully prosecuting or opposing discovery motions may be awarded as provided in Rule 37(a)(5) of the Idaho Rules of Civil Procedure.

k. With the respect to alternative dispute resolution, the following is requested:

- ☐ The Court enter an order pursuant to I.R.C.P. 37.1, requiring the parties to complete mediation no later than 60 days prior to trial.
- ☐ The Court schedule a status conference approximately 90 days prior to trial (on or about _____) to confer with the parties about whether alternative dispute resolution would be beneficial or appropriate.
- ☐ No action by the Court is necessary at this time. The parties agree to pursue alternative dispute resolution and/or settlement, if and as appropriate, on their own.

THE COURT WILL ISSUE A WRITTEN SCHEDULING ORDER THAT GOVERNS THE CASE. YOU ARE RESPONSIBLE FOR READING AND ADHEARING TO THE COURT'S SCHEDULING ORDER.

Counsel for Plaintiff(s):

_____ Date: _____

_____ Date: _____

Counsel for Defendant(s):

_____ Date: _____

_____ Date: _____

Counsel for Other Parties:

_____ Date: _____

_____ Date: _____

CERTIFICATE OF MAILING

I hereby certify that on _____, I caused a true and correct copy of the foregoing document to be served by the method indicated below, and addressed to the following:

- ☐ U.S. Mail
- ☐ Certified Mail/Return Receipt
- ☐ Hand Delivered
- ☐ Facsimile
- ☐ Email

- ☐ U.S. Mail
- ☐ Certified Mail/Return Receipt
- ☐ Hand Delivered
- ☐ Facsimile
- ☐ Email

- ☐ U.S. Mail
- ☐ Certified Mail/Return Receipt
- ☐ Hand Delivered
- ☐ Facsimile
- ☐ Email

- ☐ U.S. Mail
- ☐ Certified Mail/Return Receipt
- ☐ Hand Delivered
- ☐ Facsimile
- ☐ Email

Date: _____

Printed Name

Signature