

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
WITHIN AND FOR UINTA COUNTY, WYOMING**

_____)	
)	
Plaintiff,)	
)	
vs)	Docket No. _____
)	
_____)	
)	
Defendant.)	

SCHEDULING ORDER

THIS MATTER came before the Court for a scheduling conference on _____, will all counsel of record for all parties and unrepresented parties herein appearing. After conferring with the parties,

IT IS HEREBY ORDERED the parties shall adhere to the following schedule:

Rule 26 Discovery. Rule 26 disclosures shall be completed in conformity with Rule 26 or within 30 days from the date of this Scheduling Order whichever is earlier.

Designation of Expert Witnesses. Plaintiff(s) shall designate their expert witnesses by _____, **20**__. Defendant(s) shall designate their expert witnesses by _____, **20**__. Rebuttal expert testimony will not be permitted absent good cause shown. Designations shall comply with the requirements of W.R.C.P. 26(a)(2). This deadline applies to those specially

retained expert witnesses, designated pursuant to W.R.C.P. 26(a)(2)(B), from whom an expert report is required as well as those witnesses designated pursuant to W.R.C.P. 26(a)(2)(C), who are expected to provide opinion testimony but from whom no report is required. The disclosure of W.R.C.P. 26(a)(2)(C) witnesses shall be accompanied by the summary of the facts or opinions to which the witness is expected to testify and disclose the subject matter on which the witness is expected to present evidence, as specified in W.R.C.P. 26(a)(2)(C). Expert witnesses not designated will be prohibited from testifying, absent consent of the Court for good cause shown.

Discovery Cut-Off. Discovery shall be completed by _____, 20___. All written discovery requests must be served upon the opposing party at least 30 days before the discovery cut-off. No discovery will be permitted beyond the discovery cut-off. All depositions must be completed by the discovery cut-off.

The parties have a continuing duty to disclose information and material as it becomes known, even after the deadlines set herein, pursuant to W.R.C.P. 26(e).

Discovery Disputes. Any motion seeking relief due to a discovery dispute shall contain a certification that, prior to filing the motion, the movant has in good faith conferred with the opposing person or party to resolve the discovery dispute before seeking Court intervention and/or the opposing person's or party's position on the motion. If the movant has been unable to confer with the opposing person or party to resolve the discovery dispute before seeking Court intervention, then the movant shall certify a description of all good faith efforts taken by the movant to resolve the discovery dispute before seeking Court intervention. Movant's failure to so certify may result in automatic denial of the motion. Any response to a motion involving a discovery dispute shall be filed within ten calendar days after service of the motion. Replies to responses are not favored, but if necessary to address new matters raised in a response, any reply

shall be filed within five calendar days after service of the response. *Both the motion and any response shall be accompanied by a proposed order.* The Court will decide the motion upon the written submissions unless it determines that a hearing would be helpful.

Dispositive Motions. Dispositive motions shall be filed by _____, 20__. In the event a party files a motion for summary judgment under Rule 56, the Court finds that filing a separate statement of facts pursuant to Rule 56.1 is unhelpful and directs that no separate statement of facts shall be filed. Any assertion of material fact in any part of the motion or brief shall be supported by pinpoint citation to the evidentiary materials supporting the fact, by paragraph or page, with as much specificity as possible.

If dispositive motions are filed on _____, 20__, they shall be heard on _____, 20__, at __:00 a.m./p.m. The Court has set aside _____ hour for this hearing. If a dispositive motion is filed before _____, 20__, and the movant desires an earlier hearing they may request a different setting.

Non-Dispositive Motions. Pursuant to U.R.D.C. 801(a)(7), a moving party must confer in good faith with opposing counsel prior to filing any motion, whether substantive, procedural, or even trivial. Accordingly, every non-dispositive motion must state that the movant has conferred as required by this rule and state the opposing person or party's position on the proposed motion. If the movant has been unable to confer with the opposing person or counsel before filing the motion, then the movant must describe their attempts to confer and explain why the motion should be considered by the Court before the parties have conferred. Failure to comply with these requirements may result in dismissal of the motion.

Pretrial Memoranda. The parties shall file pretrial memoranda by _____, 20__. Pretrial memoranda shall contain: (1) a brief statement of the issues and the positions of the parties

on the contested questions of law and fact; (2) a list of the names and addresses of the witnesses whom the parties intend to call to testify, together with a short general summary statement of the testimony intended to be elicited from each witness; (3) a list of all the exhibits which that party proposes to use in the hearing; (4) any stipulations reached by the parties; and (5) any other information the parties believe would be helpful. Exhibits shall be designated numerically by the Plaintiff and alphabetically by Defendant. The parties shall specify which of the listed witnesses may be called and which will be called. The opposing party is not required to subpoena witnesses who will be called by the other party. Absent good cause shown, exhibits which are not marked and provided to the other party with the pretrial memoranda will not be received at trial, nor shall any witness be permitted to testify unless they are identified on the witness list.

Any motions (including, but not limited to, motions in limine, requests for advance rulings on admissibility of evidence, motions seeking limitations or restrictions on the use of testimony under WRE 702, including but not limited to any part of any deposition to be played or read at trial) shall be filed concurrently with the pretrial memoranda at the latest.

Pretrial Conference. A final pretrial conference will be held in the District Courtroom of the Uinta County Courthouse, Evanston, Wyoming. That final pretrial conference shall begin at __:00 a.m./p.m. on _____, 20__. The Court has set aside two (2) hours for the pretrial conference. If the pretrial conference will require more time than allotted, the parties must notify the Court as soon as possible.

Trial. This matter is set for a two (2) day bench trial beginning on _____, 20__, beginning at __:00 a.m./p.m. in the District Courtroom, Uinta County Courthouse, Evanston, Wyoming. All parties shall appear in person.

Court Reporter Requirements. Any party requesting the reporting of a particular matter by the Official Court Reporter shall file a written notice with the Clerk of the District Court and provide a copy of the written notice to Judge Kaste's Official Court Reporter **at least three (3) working days before the matter is set for hearing or trial.** The notice is required for all civil matters. Fees or costs for reporting opening statements, closing arguments, motions before or after trial proceedings, special transcripts, or other special requests by a party shall be as agreed between the requesting party and the Official Court Reporter and paid by the requesting party.

DATED this _____ day of _____ 20__.

JAMES KASTE
District Court Judge

CERTIFICATE OF SERVICE

I, _____, Deputy Clerk of Court, Uinta County, Wyoming, hereby certify that I served true and correct copies of the foregoing on the _____ day of _____, 20__, to the following:

Deputy Clerk of Court

OPTIONAL PROVISIONS TO INCLUDE WITH THE PRETRIAL MEMOS

Proposed Findings of Fact and Conclusions of Law. Concurrently with the filing of the parties' pretrial memoranda, each party shall file proposed findings of fact and conclusions of law with specific references to stipulations, exhibits and expected testimony of witnesses.

Jury Instructions and Verdict Form. Concurrently with the filing of the parties' pretrial memoranda each party shall file their proposed jury instructions with citations to authorities and their proposed verdict form. It is not necessary to file a set of proposed instructions without authorities. However, each party shall email a Word version of their proposed instructions and verdict form to clym@courts.state.wy.us when they file their pretrial memoranda.

Independent Medical Examination: Defendant shall obtain any independent medical examination and distribute a copy of the independent medical examination report together with any expert opinion related to the independent medical examination concurrently with Defendant's expert designations. Should Plaintiff's condition warrant the performance of an independent medical examination closer to trial, the parties may seek relief from this deadline.