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DEPARTMENT OF
WATER RESOURCES

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CHRISTOPHER D. RICH, Clerk
By JANINE KORSEN
DEPUTY

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

D L EVANS BANK,

Plaintiff.

vs.

BALLENTYNE DITCH COMPANY,
LIMITED,
THOMAS MECHAM RICKS,
GARY SPACKMAN,
IDAHO DEPARTMENT OF WATER
RESOURCES,
AARON RICKS,
SHAUN BOWMAN,
JOE KING,
STEVE SNEAD.

Defendant.

Case No. CV-OC-2013-17406

STIPULATION FOR SCHEDULING
AND PLANNING

The above parties hereby stipulate to the following scheduling deadlines:

A. EXPERT WITNESSES

(Plaintiff's experts)

1. 120 days before trial, plaintiff shall disclose each person plaintiff intends to call as an expert witness at trial and state the subject matter on which the witness is expected to testify.

2. 120 days (**at least 90**) before trial, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.

3. 42 days before trial, defendant shall complete any depositions of the plaintiff's initial expert witnesses.

(Defendant's experts)

4. 90 days before trial, defendant shall disclose each person defendant intends to call as an expert witness at trial and state the subject matter on which the witness is expected to testify.

5. 90 days (**at least 90**) before trial, defendant shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.

6. 42 days before trial, plaintiff shall complete any depositions of the defendant's expert witnesses.

(Plaintiff's rebuttal experts)

7. 60 days before trial, plaintiff shall disclose each person plaintiff intends to call as an expert witness at trial to rebut new information or issues disclosed or raised by the defendant.

8. 60 days (**at least 42**) before trial, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding the rebuttal expert witnesses.

9. 42 days before trial, defendant shall complete any depositions of the plaintiff's rebuttal expert witnesses.

B. LAY WITNESSES

1. 42 days (**at least 42**) before trial, plaintiff shall disclose each person plaintiff intends to call as a lay witness at trial (excluding impeachment witnesses).

2. 42 days (**at least 42**) before trial, defendant shall disclose each person defendant intends to call as a lay witness at trial (excluding impeachment witnesses).

3. ~~42~~ 30 days before trial, plaintiff shall disclose each lay witness (excluding impeachment witnesses) plaintiff intends to call at trial to rebut new information or issues disclosed or raised by the defendant.

4. 20 days before trial, all parties shall complete any depositions of lay witnesses.

C. DEADLINES FOR INITIATING DISCOVERY

1. 42 days before trial is the last day for serving interrogatories, requests for production, requests to permit entry upon land or other property, and requests for admission.

2. 42 days before trial is the last day for filing motions for a physical or mental examination.

D. DEADLINE FOR SUPPLEMENTAL RESPONSES TO DISCOVERY

30 days before trial, all parties must serve any supplemental response to discovery required by Rule 26(e) of the Idaho Rules of Civil Procedure.

E. STIPULATIONS TO ALTER DISCOVERY DEADLINES

The parties may alter any discovery deadline by written agreement without the necessity of obtaining a court order.

F. PRETRIAL MOTIONS

1. 120 days before trial is the last day to file motions to add additional parties to the lawsuit.

2. 120 days before trial is the last day to file a motion to amend the claims between existing parties to the lawsuit, including to add a claim for punitive damages.

3. All other non-dispositive pretrial motions (excluding motions in limine) must be filed and heard twenty-one (21) days before trial.

G. MOTIONS FOR SUMMARY JUDGMENT OR OTHER DISPOSITIVE MOTIONS

All motions for summary judgment or other dispositive motions must be filed at least **ninety-one (91) days** and heard at least **sixty (60) days** before trial.

H. TRIAL SETTING

1. This case can be set for a trial to commence on or after 4/27/15
(The case must be concluded within 18 months from the date the complaint was filed pursuant to Idaho Court Administrative Rule 57.)

2. It is estimated the trial will take 3 days.

3. This case is to be tried as a:

~~A court trial~~
 Jury trial

4. Parties preference for trial dates: _____

I. MEDIATION

1. The parties agree to mediation: yes _____ no X

2. If yes:

a. The parties agree to submit to mediation with a mediator mutually agreed upon under the time limits in I.R.C.P. 16(k).

b. Mediation shall begin _____ days prior to trial. The mediation must be completed and the report received by the court at least 45 days prior to trial.

c. Unless otherwise agreed in writing between the parties, the cost of mediation shall be equally divided between the parties.

The parties reserve the right to amend this stipulation by agreement of all parties, subject to Court approval; each party reserves the right to seek amendment hereof by Court order, and to request further status conferences for such purpose, in accordance with I.R.C.P. 16(a) and 16(b).

Dated this 4th day of December, 2014.

Appearances:

Counsel for Plaintiff(s)

Jason R Naess
Jason R Naess
Attorney at Law

Counsel for Tom Ricks

Counsel for Defendant(s)

S Bryce Farris
S Bryce Farris
Attorney at Law

Chris M. Bromley
Chris M. Bromley

Counsel for IDWR

Meghan Carter
Meghan Carter