

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

RANGEN, INC., an Idaho corporation,

Petitioner,

vs.

GARY R. SPACKMAN, in his official  
capacity as Director of the Idaho  
Department of Water Resources, and THE  
IDAHO DEPARTMENT OF WATER  
RESOURCES,

Respondents,

and

THE IDAHO GROUND WATER  
APPROPRIATORS, INC.

Intervenor.

Case No. CV-2014-272

STIPULATION FOR  
SCHEDULING AND PLANNING

The above parties hereby stipulate and agree 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 before trial, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.
3. 45 days before trial, defendant(s) shall complete any depositions of the plaintiff's initial expert witnesses.

**(Defendants' experts)**

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

6. 45 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(s).

8. 60 days 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. 30 days before trial, defendant(s) shall complete any depositions of the plaintiff's rebuttal expert witnesses.

**B. LAY WITNESSES**

1. 90 days before trial, plaintiff shall disclose each person plaintiff intends to call as a lay witness at trial (excluding impeachment witnesses).

2. 90 days before trial, defendant(s) shall disclose each person defendant(s) intends to call as a lay witness at trial (excluding impeachment witnesses).

3. 75 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(s).

4. 30 days before trial, all parties shall complete any depositions of lay witnesses.

**C. DEADLINES FOR INITIATING DISCOVERY**

1. 60 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. 60 days before trial is the last day for filing motions for a physical or mental examination.

**D. DEADLINE FOR SUPPLEMENTAL RESPONSES TO DISCOVERY**

1. 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. STIPULATION TO ALTER DISCOVERY DEADLINES**

1. 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 pre-trial motions (including, but not limited to motions *in limine*) must be file and scheduled for hearing not less than fourteen (14) days before trial. Exceptions will be granted infrequently, and only when justice so requires.

**G. MOTIONS FOR SUMMARY JUDGMENT**

1. All motions for summary judgment must be filed at least **ninety-six (96) days** before trial.

2. No hearing on any summary judgment will be permitted in the **sixty (60) day** period prior to trial.

**H. TRIAL SETTING**

1. This case can be set for a trial to commence on or after \_\_\_\_\_. **Note that, absent extremely compelling circumstances, no case will be set for trial more than 510 days from the date of filing the complaint.**

2. It is estimated that the trial will take \_\_\_\_\_ days.

3. This case is to be tried as a:

court trial

jury trial

4. Parties preference for trial dates: (Please confer and complete. Do not attach "unavailable dates").

(a) Week of Tuesday, April 14, 2015.

(b) Week of Tuesday, April 21, 2015.

(c) Week of Tuesday, April 28, 2015.

5. The parties will submit a pretrial conference memorandum pursuant to I.R.C.P. 16(d), which shall be filed with the Clerk no later than seven (7) days before the pre-trial conference. The Memorandum may be filed as a joint submission or separately.

I. MEDIATION

1. The parties agree to mediation: Yes  No

2. If yes:

a. The parties agree to submit to mediation with a mediator mutually agreed upon.

b. Mediation shall begin \_\_\_\_\_ days prior to trial.

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

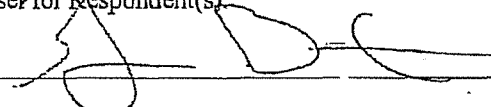
The parties reserve the right to amend this stipulation by agreement of all parties, subject to court approval; each party reserves the right to seek amendment hereof by court order, and to request further status conferences for such purpose, in accordance with Idaho Rules of Civil Procedure 16(a) and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

Appearances:

Counsel for Petitioner(s):

 \_\_\_\_\_ Date: 10-27-14

Counsel for Respondent(s):

 \_\_\_\_\_ Date: OCTOBER 27, 2014

Counsel for Intervenor(s):

 \_\_\_\_\_ Date: 10-28-2014