

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

JOHN HASTINGS,

Plaintiff,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES,

Defendant.

Case No. CV01-21-17825

**STIPULATION FOR SCHEDULING
AND PLANNING**

The above parties hereby stipulate to the following scheduling deadlines:

A. EXPERT WITNESSES

(Plaintiff's experts—retained or non-retained)

1. ____140____ days **(at least 120)** 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. ____140____ days **(at least 120)** before trial, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.

3. ____120____ days before trial, defendant shall complete any depositions of the plaintiff's initial expert witnesses.

(Defendant's experts—retained or non-retained)

4. ____110____ days **(at least 95)** 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. ____110____ days **(at least 95)** before trial, defendant shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.

6. ____90____ days before trial, plaintiff shall complete any depositions of the defendant's expert witnesses.

(Plaintiff's rebuttal experts—retained or non-retained)

7. _____75_____ 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. _____75_____ 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. _____55_____ days before trial, defendant shall complete any depositions of the plaintiff's rebuttal expert witnesses.

(Defendant's rebuttal experts—retained or non-retained)

7. _____40_____ days before trial, defendant shall disclose each person defendant intends to call as an expert witness at trial to rebut new information or issues disclosed or raised by the plaintiff in rebuttal.

8. _____40_____ days **(at least 30)** before trial, defendant shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding its rebuttal expert witnesses.

9. _____20_____ days before trial, plaintiff shall complete any depositions of the defendant's rebuttal expert witnesses.

B. LAY WITNESSES

1. ___60___ days **(at least 60)** before trial, plaintiff shall disclose each person plaintiff intends to call as a lay witness at trial (excluding impeachment witnesses).

2. _____53_____ days **(at least 53)** before trial, defendant shall disclose each person defendant intends to call as a lay witness at trial (excluding impeachment witnesses).

3. _____42_____ days **(at least 42)** 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. _____35_____ days **(at least 35)** before trial, defendant 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.

5. _____20_____ days before trial, all parties shall complete any depositions of lay witnesses.

C. DEADLINES FOR INITIATING DISCOVERY

1. _____70_____ days **(at least 70)** 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. _____70_____ days **(at least 70)** before trial is the last day for filing motions for a physical or mental examination.

D. DEADLINE FOR SUPPLEMENTAL RESPONSES TO DISCOVERY

_____42_____ days **(at least 42)** before trial, all parties must serve any supplemental response to discovery required by Rule 26(e) of the Idaho Rules of Civil Procedure or seek leave from the Court showing good cause for a late disclosure.

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. _____140_____ days **(at least 120)** before trial is the last day to file motions to add additional parties to the lawsuit.

2. _____140_____ days **(at least 120)** 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 at least forty-five (45) days and heard at least thirty (30) days before trial.**

4. All motions in limine must be **filed before the pretrial conference which is at least thirty (30) days before trial and heard at least fourteen (14) days** before the trial date, or good cause must be shown why such motions were not filed within this timeframe.

G. MOTIONS FOR SUMMARY JUDGMENT OR OTHER DISPOSITIVE MOTIONS

All motions for summary judgment or other dispositive motions must be filed at least **ninety (90) days** and heard at least **sixty (60) days** before trial as is required by I.R.C.P. 56.

H. JOINT STATUS REPORT: The parties shall **jointly file** a brief status report between **120 days and 130 days** before trial addressing the conduct of discovery, whether mediation is scheduled, and/or requesting a Rule 16 conference if it appears there could be an issue that may delay the scheduled trial date.

I. TRIAL SETTING

1. This case can be set for a trial to commence on or after _____May 8, 2023_____. **(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 ___5___ days.

3. This case is to be tried as a:
 court trial
 jury trial

4. The parties elect for this matter to be tried by a jury of six or twelve.

5. Parties preference for trial dates: _____May 15, 2023_____
_____May 22, 2023_____
_____June 12, 2023_____

J. MEDIATION

1. The parties agree to mediation: yes__X__ no_____

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. 37.1.

 - b. The mediator must be selected **at least sixty (60) days** before 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. The parties cannot amend the summary judgment deadline, the deadline to amend pleadings or add parties, or the trial date without approval of the Court so if you are seeking to amend those dates, please contact the In-Court Clerk to get a hearing date.

Dated December 20, 2021.

Appearances:

Counsel for Plaintiff(s)

/s/ J. Kahle Becker
Attorney at Law

Counsel for Defendant(s)


Attorney at Law