

**IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
Seventh Judicial District Division 7, Judge Carl Folsom, III**

Case No. _____

Plaintiff,

vs.

Defendant.

CASE MANAGEMENT ORDER

On _____, this matter came on for a case management conference, pursuant to K.S.A. 60-216(b). Plaintiff _____ appeared by counsel _____. Defendant _____ appeared by counsel _____.

There were no other appearances. After considering the comments, statements and requests of counsel, the court entered the following order:

1. MOTIONS TO AMEND

Any motions to amend the pleadings or add parties, shall be filed on or before _____.

2. WITNESS AND EXHIBIT LISTS

The parties will exchange preliminary witness and exhibit lists on or before _____. Each party shall designate each witness which it may call to testify at the trial of this action. For each such witness (other than your client), include name, email address, mailing address and phone number. Include a brief summary of the expected testimony

of each witness. Final lists shall be filed and exchanged as part of the pretrial questionnaire.

Each party shall designate each exhibit which may be offered at the trial of this case, identifying each such exhibit by way of descriptive summary. In lieu of a descriptive summary of the exhibit, a party may attach an accurate and complete paper or electronic copy of the exhibit.

If the parties anticipate any electronic discovery or cost of recovery or reproduction issues for such data, counsel should set an early date to get those resolved.

3. COMPARATIVE NEGLIGENCE

The parties will identify any persons or entities whose fault is to be compared pursuant to K.S.A. 60-258a by _____.

Defendant's IME for PI cases, if any, must be completed by _____.

4. DESIGNATION OF EXPERT WITNESSES

Plaintiff shall designate expert witnesses on or before _____;
Defendant shall designate expert witnesses on or before _____.

In making a designation of expert witnesses, a party shall identify the witness by name, phone number, email address and mailing address. In addition, the designation shall include the following:

- a) All of the information required under K.S.A. 60-226;
- b) A copy of the resume or c.v. that you intend to use at trial, if any;
- c) Electronic or Paper copies of all published articles listed by your expert in the resume you intend to use, if any;
- d) A concise summary of the qualifying evidence required under K.S.A. 60-456, 457 and/or 458 as amended;
- e) At least three firm deposition availability dates. Experts should be advised that they are locked in with those dates because opposing counsel will adjust their schedule with other clients' cases and incur expense in preparing to take a deposition that will be costly to change at the last minute for the expert's convenience or time conflict.
- f) The full fee schedule being charged by your expert, if any; and
- g) Allow enough time for deposition of the opening expert(s) before the designation deadline for the opposing party.

Objections to the sufficiency of a designation must be filed within fourteen (14) days from the designation service. If you cannot then resolve the objections, under the golden rule of discovery generally, set your objections with a motion to strike, limit, or exclude testimony of the expert(s) for hearing. A motion to strike, limit, or exclude testimony of any expert may, but will not necessarily extend the deadline(s) for expert designation(s).

5. DISCOVERY

The parties shall complete all discovery by _____. All written discovery must be filed between the parties calculated to be answered under statutory requirements on or before such date.

A discovery/status conference is scheduled for _____. Either party should consider that date available for any motions they deem helpful or necessary to bring to the Court and shall send notice of hearing for that date for such motions if/when filed. If neither party files any motions or other written requests to appear at the hearing on or before _____, the hearing will automatically be removed from the docket without further notice.

The preferred and expected method for scheduling matters in this division is by circulating email to all counsel and self-represented parties with the court's Administrative Assistant (lburton@douglascountyks.org). Once the date is obtained, the moving party must provide written notice of the hearing to all other parties in the case and file certification of service for the record. The court may decide matters without oral argument under Supreme Court Rule 133 regardless of scheduled hearings.

6. DISPOSITIVE/PRETRIAL MOTIONS

All pretrial motions, including dispositive motions with supporting memoranda, shall be filed on or before _____. Unless otherwise requested, any such motions shall be heard at the pretrial conference.

7. SETTLEMENT CONFERENCE/MEDIATION

A settlement conference and/or mediation shall be completed on or before _____.

8. PRETRIAL CONFERENCE AND MOTIONS HEARING

A pretrial motions hearing and pretrial conference shall be held at _____ a.m./p.m. on _____. Per Local Rule Number 9, at least seven days prior to the pretrial conference each party shall file a pretrial questionnaire with the Court and mail copies to all other parties. The pretrial questionnaire shall be prepared according to the following format containing all the information required by Kansas Supreme Court Rule 140:

- a. Present date.
- b. Your name and address.
- c. Name of party you represent.
- d. Nature of the case.
- e. Matters proposed for stipulation.
- f. Specific factual contentions (including theory of your claim or defense, including specific contentions of negligence, if applicable, or specific grounds of affirmative defenses, if applicable).
- g. Specific description of injuries and itemization of damages.
- h. Trial witnesses by name.
- i. Trial exhibits.
- j. Questions of law, including supporting memoranda.
- k. State any procedural problems which you have and whether you anticipate the need for any hearings between the pretrial conference and trial date to resolve those issues.
- l. Proposed jury instructions.
- m. The amount of time required for trial.

Your statement of claim or defense and statement of factual contentions and questions of law shall supersede the pleadings in this case and shall govern the trial of this matter.

An electronic copy in Word Format of the proposed jury

instructions should be emailed to lburton@douglascountyks.org at the time your pretrial questionnaire is filed.

The parties are encouraged to attempt to craft an agreed pre-trial order for consideration.

9. TRIAL

The trial of this case shall commence at 9:00 a.m. on _____ in the District Court of Douglas County, Kansas, Division 7. Trial shall be to a jury of ____ persons. The parties estimate ____ days for trial.

The schedule adopted in this order shall not be modified except by leave of the Court upon a showing of good cause.

IT IS SO ORDERED.

Carl A. Folsom, III
District Judge