

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
Seventh Judicial District

Plaintiff,

vs.

Case No. _____
Division 3

Defendant.

CASE MANAGEMENT ORDER

On _____, this case came before the Court for a case management conference. Plaintiff appeared by _____. Defendant appeared by _____. There were no other appearances. After conferring with counsel, the court enters the following case management order.

1. LEAD TRIAL COUNSEL. Lead counsel for plaintiff is _____. Lead counsel for defendant is _____.

2. PROCEDURES. The parties are directed to comply with the Kansas Code of Civil Procedure, the Kansas Supreme Court Rules, and the Rules of Court for the Seventh Judicial District.

3. MOTIONS TO AMEND. Any motions to amend the pleadings or add parties shall be filed on or before _____.

4. PRELIMINARY WITNESS AND EXHIBIT LISTS. The parties will exchange preliminary witness and exhibit lists on or before _____. Each party shall designate each witness whom 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.

5. COMPARATIVE NEGLIGENCE. The parties agree that principles of comparative fault do ____ do not ____ apply. The parties will identify any persons or entities whose fault is to be compared pursuant to K.S.A. 60-258a on or before _____.

6. PHYSICAL AND MENTAL EXAMINATIONS. The parties must complete any physical or mental examinations under K.S.A. 60-235 by _____. If the parties disagree about the need or scope of such an examination, a motion must be filed sufficiently in advance of the deadline to allow the motion to be fully briefed and decided by the court, and the examination conducted, all before the deadline expires.

7. DESIGNATION OF EXPERT WITNESSES. Disclosures of witnesses whom a party may use at trial to present expert testimony must be served by _____, except that disclosures regarding experts testifying solely to contradict or rebut evidence on the same subject matter identified by another party must be served within **30 days after the other party's disclosure.**

Expert witness disclosures must identify the witness by name, phone number, email address, and mailing address. In addition, the disclosure 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 the expert, if any; and
- g) Allow enough time for deposition of the opening expert(s) before the disclosure deadline for the opposing party.

Objections to the sufficiency of a designation must be filed within fourteen (14) days from service of the designation. The parties should endeavor in good faith to resolve the objections through the golden rule process. If that process is unsuccessful, the objecting party shall set its 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).

8. DISCOVERY. The parties shall complete all discovery by _____.

All written discovery must be initiated or served in time to be completed on or before this date. Parties must supplement disclosures and discovery responses at such times and under such circumstances as K.S.A. 60-226(e) requires.

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.

9. SCHEDULING. The preferred and expected method for scheduling matters in this division is by circulating an email to all counsel, self-represented parties, and the court's Administrative Assistant (division3@dgcoks.gov). 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. 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 matters resolved.

10. SETTLEMENT CONFERENCE/MEDIATION. A settlement conference and/or mediation shall be completed on or before _____.

11. DISPOSITIVE AND EXPERT MOTIONS. All potentially dispositive motions (e.g., motions for summary judgment) and/or motions to exclude expert testimony pursuant to K.S.A. 60-456 and related case law, must be filed with supporting memoranda on or before _____. The filing party shall contact the court's Administrative Assistant at or shortly after filing the motion(s) to set the motion(s) for hearing. The hearing should ordinarily occur no later than six weeks before trial.

12. PRETRIAL MOTIONS. Parties must file all non-dispositive pretrial motions, such as motions in limine, no later than 21 days before the pretrial conference.

13. PRETRIAL CONFERENCE AND MOTIONS HEARING. The court will hold a pretrial motions hearing and pretrial conference on _____ at ____ a.m./p.m. Per Local Rule 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 (identified with specificity by Bates label or descriptive summary, or a party may attach an accurate and complete paper or electronic copy of the exhibit).
- 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.

Any witness or exhibit identified for the first time in the pretrial questionnaire presumptively will be excluded from evidence under K.S.A. 60-237(c) to the extent the disclosing party was required to provide the information earlier pursuant to this order and/or K.S.A. 60-226(b)(6) or (e).

An electronic copy in Word Format of the proposed jury instructions should be emailed to division3@dgcoks.gov at the time your pretrial questionnaire is filed.

The parties are encouraged to attempt to craft an agreed pretrial order for consideration.

14. TRIAL

The trial of this case shall commence at 9:00 a.m. on _____ in the District Court of Douglas County, Kansas, Division Three. Trial shall be to _____ the court _____ 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.

Catherine C. Theisen
District Judge