

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.
	)	
	)	
Defendant.	)	

**SCHEDULING AND TRIAL ORDER**

**A. DISCOVERY SCHEDULE**

Pursuant to Rules 16(b) and 26(f), Federal Rules of Civil Procedure, and upon consideration of the parties' proposals in the matter, the following time schedule is established with respect to pretrial discovery, the joinder of additional parties, amendment of the pleadings, the filing of motions and certain additional matters.

1. **DISCOVERY** shall close as of
2. Any **MOTION TO JOIN ADDITIONAL PARTIES** shall be filed not later than
3. Any **MOTION TO AMEND PLEADINGS** shall be filed not later than
4. Any **MOTION TO COMPEL DISCOVERY** shall be filed prior to the time specified for the close of discovery, unless a response to a discovery request is not due until after said date, in which case a motion to compel with respect to that discovery request shall be filed within **ten (10)** days immediately after the response is made or is due (whichever is earlier).

Notwithstanding the above, no motion relating to a discovery dispute shall be filed until: (a)

the counsel who believes there is a discovery dispute telephones the opposing counsel to ascertain if there actually is a dispute; (b) counsel determine that they cannot resolve the dispute; and (c) counsel telephone the undersigned's office (816-512-5775) to request a telephone conference. Any discovery motion filed without complying with this procedure will be denied.

5. **DISPOSITIVE MOTIONS**

- a. All **DISPOSITIVE MOTIONS** shall be filed on or before
- b. **OPPOSITION** to any dispositive motions shall be filed by
- c. **SUGGESTIONS IN REPLY** shall be filed by

6. **DISCLOSURE OF EXPERT TESTIMONY**

a. With respect to a party who intends to call an expert for the purpose of supporting an affirmative claim for relief, disclosure of expert testimony shall be filed not later than ; and with respect to a party who intends to call an expert for the purpose of defending against an affirmative claim for relief, disclosure of expert testimony shall be filed not later than

On or before , all **DEPOSITIONS OF EXPERT WITNESSES** will be completed.

b. Each party shall disclose to every other party any evidence that the party may present at trial under Rules 702, 703 or 705, Federal Rules of Evidence. This disclosure shall be in accordance with the requirements of Rule 26(a)(2), Federal Rules of Civil Procedure.

c. If any party, after receiving the reports described above in subparagraphs 6(a) and (b) from an opposing party, wishes to submit evidence intended solely to contradict or rebut evidence on the same subject matter, they may do so in the same manner described above within **ten (10)** days after the receipt of said reports from such other party. Thereafter, each party's expert

witness shall only be permitted to testify at trial as to the opinions filed under this paragraph.

**B. TRIAL ORDER**

The above-styled cause is hereby set for a **pretrial conference** on \_\_\_\_\_, at

**A jury trial** shall commence at \_\_\_\_\_ . on

7. On or before \_\_\_\_\_, the parties will file:

a. A **LIST OF ALL WITNESSES** who may be called at trial by that party; and

b. A **LIST OF ALL EXHIBITS** which may be offered at trial by that party. Each exhibit so listed shall be pre-marked and numbered. If only a portion of an exhibit is to be offered, the portion to be offered shall be specifically identified.

8. **DEPOSITION OR PRIOR TRIAL TESTIMONY**

a. On or before \_\_\_\_\_, each party should file a **DESIGNATION**, by page and line number, of any deposition or prior trial testimony to be offered in evidence as a part of that party's case-in-chief; and

b. On or before \_\_\_\_\_, each party shall serve and file any **OBJECTIONS** to proposed deposition or prior trial testimony designated by any other party; and a **DESIGNATION**, by page and line number, of any deposition or prior trial testimony to be offered as cross-examination to deposition testimony designated by other parties.

**PLEASE NOTE:** The parties must provide copies of the deposition transcript with their designations or make arrangements with the court reporter to timely file the transcript.

9. **MOTIONS IN LIMINE**

a. On or before \_\_\_\_\_, all parties shall serve and file all motions in limine, with supporting suggestions.

b. On or before \_\_\_\_\_, all parties shall serve and file any desired responses to motions in limine.

10. **PLEASE NOTE**: that a witness not listed in accordance with this Order will not be permitted to testify, except for good cause shown and with leave of Court; and that an exhibit not listed or deposition or prior trial testimony not designated in accordance with this Order will not be received in evidence, except for good cause shown and with leave of court.

IT IS SO ORDERED.

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Sarah W. Hays  
UNITED STATES MAGISTRATE JUDGE

Dated:  
Kansas City, Missouri