

**NOTE TO COUNSEL: THIS IS THE FORM TO FOLLOW IN
PREPARING A PROPOSED SCHEDULING ORDER
IN A CIVIL CASE FOR JUDGE MAUGHMER**

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

JOHN DOE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	-CV-W-JTM
HENRY DOE,)	
)	
Defendant.)	

PROPOSED SCHEDULING ORDER

A. DISCOVERY SCHEDULE

NOTICE TO ALL COUNSEL: Counsel are advised to read this Order carefully. Suggestions in support of or in opposition to a motion shall be no longer than 15 double spaced typewritten pages, exclusive of facts presented in accordance with Local Rule 56.1, without permission of the Court. Reply suggestions shall be limited to 10 double spaced pages, unless otherwise authorized by the Court. Suggestions exceeding 10 pages in length shall have a table of contents and table of authorities.

Pursuant to Fed. R. Civ. P. 16(b) and 26(f), and upon consideration of the parties' proposed scheduling order, this Court finds that the following time limits are appropriate:

- I. Any motion to join additional parties will be filed on or before ____.
- II. Any motion to amend the pleadings will be filed on or before ____.
- III. All other non-dispositive motions except motions in limine will be filed on or before ____.
Notwithstanding the above, **no motion relating to a discovery dispute shall be filed until the following steps have been taken:**

- A. Counsel for the moving party has in good faith conferred or attempted to confer by telephone or in person with opposing counsel concerning the matter prior to the filing of the motion. Merely writing a demand letter is not sufficient. Counsel for the moving party shall certify compliance with this rule in any discovery motion. See Fed. R. Civ. P. 26(c).
 - B. If the issues remain unresolved after the attorneys have conferred in person or by telephone, counsel shall arrange with the Court for an immediate telephone conference with the judge and opposing counsel. No written discovery motion shall be filed until this conference has been held. See Local Rule 37.1.
- IV. All dispositive motions, except those under Fed. R. Civ. P. 12(h)(2) or (3), will be filed on or before _____.
- A. Dispositive Motions:

All dispositive motions shall have a separate section wherein each statement of fact is individually numbered, so that any party opposing such motions may specifically point to a genuine issue of material fact.
 - B. Summary Judgment Motions:
 - 1. The suggestions in support of a motion for summary judgment shall begin with a concise statement of uncontroverted material facts. Each fact shall be set forth in a separately numbered paragraph. Each fact shall be supported by reference to where in the record the fact is established. See Fed. R. Civ. P. 56(e).
 - 2. Suggestions in opposition to a motion for summary judgment shall begin with a section that contains a concise listing of material facts as to which the party contends a genuine issue exists. Each fact in dispute shall be set forth in a separate paragraph, shall refer specifically to those portions of the record upon which the opposition party relies, and, if applicable, shall state the paragraph number in movant's listing of facts that is in dispute. All facts set forth in the statement of the movant shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the opposing party.

3. All facts on which a motion or opposition is based shall be presented in accordance with Fed. R. Civ. P. 56. Affidavits or declarations shall be made on personal knowledge and by a person competent to testify to the facts stated. Where facts referred to are contained in another document, such as a deposition, interrogatory answer or admission, a copy of the relevant excerpt from the document shall be attached.
- V. All pretrial discovery authorized by the Federal Rules of Civil Procedure will be completed on or before ____.
- A. On or before ____, the plaintiff will designate expert witnesses.
 - B. On or before ____, the defendant will designate expert witnesses.
 - C. Disclosure of Expert Testimony:
 1. 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 no later than ____; and shall, with respect to a party who intends to call an expert for the purpose of defending against an affirmative claim for relief, be filed no later than ____.
 2. Each party shall disclose to every other party any evidence that the party may present at trial under Rules 702, 703, or 705 of the Federal Rules of Evidence. This disclosure shall be in written affidavit form, prepared and signed by the witnesses and shall include a complete statement of all opinions to be expressed, and the basis and reasons therefor; the data or other information relied upon in forming such opinions; the qualifications of the witness; and a listing of any other cases in which the witness has testified as an expert at trial or in deposition within the preceding five (5) years.
 3. If any party after receiving the reports described in paragraphs C.(1) and C.(2) above 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 thirty (30) days after the receipt of said reports from such other party.
Thereafter, the testimony of each party's expert witness

shall be strictly limited at trial to the opinions and the bases for the opinions filed under this section.

VI. Motions for Extension of Time:

All motions for extension of time, pursuant to Fed. R. Civ. P. 6(b), or to respond to request for discovery, pursuant to Fed. R. Civ. P. 31, 33, 34, and 36, must state:

- A. The date when the original pleading, response, or other action is or was first due;
- B. The number of previous extensions and the date the last extension expires;
- C. The cause for the requested extension, including a statement as to why the action due has not been completed in the allotted time; and
- D. Whether the requested extension is approved or opposed by opposing counsel (agreement by counsel of a requested extension is not binding on the Court).

Any motion for an extension of time filed without first complying with these procedures will be denied.

VII. Certifications to the Court:

Prior to the close of discovery, counsel for all parties shall meet, at least once, in person, and discuss settlement. Upon completion of this requirement, counsel shall certify to this Court the time and place of such meeting, the names of parties and counsel present and the results of the meeting.

PLEASE NOTE: Counsel are directed to accompany all motions with a proposed order. Email the proposed order to kerry_martinez@mow.uscourts.gov

IN ADDITION, PLEASE ADD A PARAGRAPH STATING THE NUMBER OF DAYS FOR A JURY OR BENCH TRIAL

(digital signature lines of counsel for the parties submitting the PSO)