**IN THE UNITED STATES DISTRICT COURT FOR THE**

**WESTERN DISTRICT OF MISSOURI**

**\_\_\_\_\_\_\_\_\_\_** **DIVISION**

|  |  |  |
| --- | --- | --- |
| Plaintiff,  v.    Defendant. | )  )  )  )  )  )  )  )  ) | Case No. |
|  |  |  |

**SCHEDULING AND TRIAL ORDER**

**[Parties are to designate JURY/BENCH] TRIAL**

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and upon consideration of the parties’ views in the matter, the following schedule is hereby established:

**I. DISCOVERY PLAN AND SCHEDULING DEADLINES**

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| --- | --- | --- |
| **Discovery Plan and Scheduling** | **Guidelines** | **Deadlines** |
| Joinder of Parties | 30 days before discovery deadline |  |
| Amendment of Pleadings | 30 days before discovery deadline |  |
| Plaintiff Expert Designation | 60 days before discovery deadline |  |
| Defendant Expert Designation | 30 days after Plaintiff Expert deadline |  |
| Rebuttal Expert Designation | 14 days before discovery deadline |  |
| Discovery Dispute Motions | At least 14 days before discovery deadline |  |
| Completion of Discovery (both fact and expert discovery) | 180 days from this proposed order (Local Rule 26.1(c)2) |  |
| Dispositive Motions | 30 days after discovery deadline |  |

**II. COURT CONFERENCES AND TRIAL DATE**

|  |  |  |  |
| --- | --- | --- | --- |
| **Court Setting** | **Guidelines** | **Date** | **Time** |
| Court Status Conference Date | 30 days before discovery deadline |  |  |
| Initial Pretrial Conference Date | 30 days before trial |  |  |
| Final Pretrial Conference Date | Thursday or Friday before trial |  |  |
| Trial Date | 150 days from dispositive motion deadline |  | 8:30 a.m. |

**III. PRETRIAL AND TRIAL FILING DEADLINES**

|  |  |
| --- | --- |
| **Pretrial and Trial Documents** | **Deadlines** |
| Motions in Limine | 14 days prior to initial pretrial conference |
| Responses to Motions in Limine | 7 days prior to initial pretrial conference |
| Deposition Designations | 14 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3)) |
| Objections to Deposition Designations | 10 days prior to initial pretrial conference |
| Cross-Exam Deposition Designations | 10 days prior to initial pretrial conference |
| Objections to Cross-Exam Deposition Designations | 7 days prior to initial pretrial conference |
| Stipulation of Uncontroverted Facts | 3 days prior to initial pretrial conference (Local Rule 40.1) |
| Stipulation of Admissibility of Evidence | 3 days prior to initial pretrial conference |
| Witness List | 3 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3)) |
| Exhibit List | 3 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3)) |
| Jury Instructions (if jury trial) | 14 days prior to trial (Local Rule 40.1 and 51.1) |
| Trial Briefs | 5 days prior to trial  (Fed. R. Civ. P. 26(a)(3)) |
| Voir Dire (if jury trial) | 5 days prior to trial  (Fed. R. Civ. P. 26(a)(3)) |

**IV. CHAMBERS’ PROTOCOL**

**1. COURT CONFERENCES.** (*See* Section II above). Generally, conferences in Western and St. Joseph Division cases are held at the U.S. District Courthouse in Kansas City, Missouri. Conferences in cases pending in all other divisions (Central, Southern, and Southwestern) are generally held via telephone.

**2. DISCOVERY DISPUTES.** Any discovery motion filed without complying with Local Rule 37.1 will be denied. In the event that a teleconference is needed, contact the Court at (816) 512-5110. Parties are to utilize the discovery dispute protocol on the Court’s web page at [www.mow.uscourts.gov/judges/ketchmark](file:///\\kcfs01\group\Chambers%20Ketchmark\Admin\Chambers%20Manual\2%20-%20Website\For%20Next%20Website%20Update\www.mow.uscourts.gov\judges\ketchmark).

**3.**  **EXPERT WITNESSES.** Expert witnesses include retained experts as well as fact witnesses from whom expert opinions will be elicited at trial.

For expert witnesses identified in Fed. R. Civ. P. 26(a)(2)(B), the designation shall include an affidavit, containing the disclosures required in Fed. R. Civ. P. 26(a)(2)(B)(i)-(vi). Expert witnesses may testify only as to matters contained in the affidavit described above unless leave of Court is granted upon good cause shown. If a treating physician will testify beyond the treatment they provided, they shall also provide an affidavit containing the disclosures required in Fed. R. Civ. P. 26(a)(2)(B)(i)-(vi).

However, if a treating physician will testify only as to treatment they provided, the requirements of this section may be satisfied by providing a copy of all the treating physician’s files, records and notes relating to the treating physician’s patient to the opposing party. For the purpose of this paragraph, a “treating physician” is a doctor (including psychiatrist, dentist or other practitioner of the healing arts) retained by a party prior to retaining counsel in this matter.

**4. COMPLETION OF DISCOVERY.** All discovery requests and depositions shall be submitted and/or scheduled prior to the deadline for completion of discovery, and shall allow sufficient time for completion within the time specified by the Federal Rules of Civil Procedure, the Local Rules, and/or orders of this Court.

**5. SUMMARY JUDGMENT MOTIONS.** All motions for summary judgment shall comply with Local Rules 7.0 and 56.1. The response and reply shall set forth (restate) each statement of fact, and additional statement of fact, utilizing the original paragraph number immediately before admitting or denying factual statements.

[Signature blocks of attorneys or pro-se litigants]

**Do not include a Judicial signature block**