**USE OF THE CASE MANAGEMENT ORDER**

In lieu of a Case Management Conference or initial Status Conference in the Courtroom, the parties may agree to dates controlling the litigation and submit an agreed Case Management Order [CMO] for approval by the Court prior to the Case Management or Status Conference using the form provided.

Be as liberal as you need to be in setting your dates considering the nature of the case and any other practice issues you may have handling your other caseload and Court obligations. **Once you agree on these dates, the Court is not going to change them absent extraordinary circumstances or later agreement of the parties. The press of other business sometime later will not be considered an extraordinary circumstance by the Court.**

These dates are for the benefit of the Court in managing its docket, for the respective counsel in guiding completion of the case, and, most importantly, for the parties having an expectation that the litigation will be conducted in a timely and predictable manner upon which they may depend.

Use the CMO form provided.

NOTE TO PARTIES COMPLETING THIS FORM: You may add any additional case management terms and deadlines agreed upon by the parties. However, do not delete any standard language in the form. If sections are not applicable to your case, mark them as not applicable in the space provided for a deadline date.

Contact the Court’s Administrative Assistant, as listed on the Division’s tab on the Court’s website to obtain a pretrial conference date and trial date.

If you have any questions about the form or need to schedule other hearings within the body of the CMO, please contact the AA.

You should upload the CMO in MS-Word format through the e-filing system when you have agreed to your dates.

***Please Remove this Instruction Page before Filing***

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS**

**CIVIL COURT DEPARTMENT**

***[Caption]***

**CASE MANAGEMENT ORDER**

Now on this \_\_\_\_\_\_\_\_\_\_ after review of the court file and consultation with counsel, the Court enters the following orders and deadlines which will govern the discovery and the pretrial process in this case:

1. **TRIAL SETTING:** This case has been set for trial [to a jury/to the Court] beginning the ***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_in person in Division 12.***
2. **FINAL TRIAL CONFERENCE**: A final trial conference will be held on

the ***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_in person in Division 12.***

Two weeks prior to the final trial conference, the parties will submit the following to the Court:

**A**. The plaintiff shall provide to the Court all stipulated jury instructions.

**B.** Each party shall provide to the Court any jury instructions requested by that party that are not stipulated.

**C.** Any motions in limine. Responses to motions in limine shall be submitted by close of business one week before the final trial conference.

**D.** Any deposition designations. Objections and/or counter-designations shall be submitted by the close of business one week before the final trial conference.

**3. PRE-TRIAL CONFERENCE:** A Pre-Trial Conference shall be held

on the ***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in person in Division 12.*** The parties must comply with Johnson County District Court Local Rule 13.

**4. DISCOVERY DEADLINE:** All discovery in this case shall be completed on or before the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_. No written discovery may be served by any party after the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_\_, absent agreement of the parties or order of this Court.

**5. PRELIMINARY WITNESS AND EXHIBIT LIST:** The parties shall file and serve on all other parties, a preliminary list of witnesses and exhibits on or before the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_. Any witness known to a party as of this deadline who may be reasonably anticipated to be called as a witness and who is not listed may be excluded at trial. Similarly, exhibits that are not listed that are known to a party as of this deadline may be excluded at trial.

**6. MOTIONS:**

**A.** Dispositive Motions: Any dispositive motion must be filed no later than the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_. Such motion and any response thereto, must be in compliance with Kansas Supreme Court Rule 141, or it will not be considered. ***The Court expects these motions to be fully briefed and argued, so that the Court has at least two months to rule on such motions prior to the final trial conference/trial. Plan your dates accordingly.***

**B.** Motions To Compel Discovery: Any motion to compel discovery must be filed within 45 days of the default, service of response answer or objection that is the subject of the motion. If the motion is not filed within this time, the motion will not be considered. The Court expects compliance with the initial informal conference call requirement set forth in Division 12 rules, prior to scheduling a hearing on the Motion to Compel. Any such motion must recite with particularity, the communications or attempted communications aimed at resolving the discovery dispute prior to the filing of the motion. The motion must also recite the date of the conference call referenced above.

**C.** Other motions: If a motion is filed, and neither the Kansas Statutes, nor the Kansas Supreme Court Rules clearly set forth a deadline for a response to such motion, the deadline shall be 14 calendar days after service of the motion.

**D.** Any motion (other than a motion to dismiss, motion for judgment on the pleadings, motion for summary judgment or motion to compel) must contain a statement that counsel for the moving party has attempted to consult with opposing counsel, the result of those attempts, and whether or not opposing counsel agree(s) to the relief sought in the motion.

**E.** The parties must comply with Johnson County District Court Local Rule 8.

**7. EXPERT WITNESSES:**

**A**. Any party with an affirmative claim for relief must designate an expert witness on or before the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_. Such designation ***must include*** the name and business address of each expert witness. In addition, the designation ***must state:***

**--**the subject matter on which each designated expert is expected to testify, and

**--**the substance of the facts and opinions of the expert and a summary of the grounds for each opinion.

In addition to the designation, if the expert witness is a “retained” expert pursuant to K.S.A.60-226(b)(6)(B) and he/she has prepared a written report, such report ***must*** be provided along with the designation. If the written report contains the information contemplated by K.S.A. 60-226(b)(6)(A) &/or (B), the designation for that expert may simply refer to and incorporate the written report. If not, then the designation must expressly contain all required information, as described in the rule.

Additionally, if the party with an affirmative claim intends to identify a treating physician as an “expert” and the witness will offer opinions outside of his/her own treatment (such as offering causation opinions, medical bill opinions, or any other testimony regarding issues outside of his/her own care), then the designation needs to include all information set forth above, as it relates to “retained” experts.

**B.** Any other party (those without an affirmative claim for relief) that wishes to call an expert witness to testify at trial must identify such expert witness on or before the \_\_\_ day of \_\_\_\_\_\_\_\_,201\_\_. Such designation ***must include*** the name and business address of each expert witness. In addition, the designation ***must state***:

**--**the subject matter on which each designated expert is expected to testify, and

**-**-the substance of the facts and opinions of the expert and a summary of the grounds for each opinion.

In addition to the designation, if the expert witness is a “retained” expert pursuant to K.S.A. 226(b)(6)(B) and he/she has prepared a written report, such report ***must*** be provided along with the designation. If the written report contains the information contemplated by K.S.A. 60-226(b)(6)(A) &/or (B), the designation for that expert may simply refer to and incorporate the written report. If not, then the designation must expressly contain all required information, as described in the rule.

Additionally, if the party with an affirmative claim intends to identify a treating physician as an “expert” and the witness will offer opinions outside of his/her own treatment (such as offering causation opinions, medical bill opinions, or any other testimony regarding issues outside of his/her own care), then the designation needs to include all information set forth above, as it relates to “retained” experts.

**C. The Court requires that all expert disclosures be filed with the Court through the clerk’s office—not just the filing of a certificate of service demonstrating service of those disclosures.** Please note that this is a supplemental division rule, so that the Court can evaluate the substance of the disclosures upon timely challenge.

**C.** Along with the designation of expert witness, counsel ***must*** provide at least two dates that each identified expert is available to have his/her deposition taken within 30 days of the service of the expert designation. If for some reason, the parties cannot agree upon a date for the deposition of an expert witness within 30 days of the service of the expert designation, counsel ***must*** contact Court for a conference call to set a deposition date for the expert witness.

**D.** Any party who has an objection to the form of another party’s expert designation, must file such objection with the Court within ten (10) days of receipt of such expert designation. If the objection is not timely filed, it is waived, absent substantial good cause. The parties are mutually responsible for contacting the Court to set a hearing on the objection.

**E.** Any party that wishes to move to determine whether a witness qualifies as an expert and/or whether or not the proposed expert’s testimony satisfies the requirements of K.S.A. 60-456(b), as amended, shall file a motion and set the matter for hearing on a date within thirty (30) days after the date of the expert’s deposition or before the close of discovery, whichever is sooner.  The party should allow sufficient time for the court to rule on the motion before the pretrial conference.  Failure to timely file the motion, pursuant to K.S.A. 60-457(b) as amended, ***may be*** deemed a waiver of the challenge to an expert’s qualifications.

**8.**  **MOTIONS TO AMEND:** Any motions to amend the pleadings must be filed on or before the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_\_. Absent agreement of the parties, no such motions will be granted after this date. Any motion to extend this deadline must be filed prior to this deadline. This deadline does not apply to a motion to amend the pleadings to assert a claim for punitive damages. Any such motion must be filed prior to the Pre-Trial Conference pursuant to K.S.A. 60-3703.

**9.** **FINAL WITNESS AND EXHIBIT LIST**: The parties shall include a final list of witnesses and exhibits, in the Pre-Trial Order. The final witness and exhibit list must be specific (catch-all phrases like any witness identified during the course of discovery or any and all documents produced in response to a request for production of documents is not sufficient and will be stricken).

**10.** **SETTLEMENT CONFERENCE:** The parties shall participate in a settlement conference/mediation prior to the Pre-Trial Conference. Failure to participate in a settlement conference/mediation prior to the Pre-Trial Conference may result in a dismissal of the case, a dismissal of a party’s claims or defenses, continuance of the trial date, or other sanctions to be determined by the Court. The parties may schedule a settlement conference/mediation with any other district court judge, any retired district court judge, or any other mediator who may be agreed upon by the parties. If the parties cannot agree upon a mediator, the Court will appoint one.

**11.**  **OTHER ORDERS:**

These deadlines have been agreed upon by counsel and shall not be modified, absent 1) exceptional circumstances timely brought to the Court’s attention by way of written motion (as it relates to the trial date or pretrial conference date), or 2) for good cause and/or by written agreement of the parties (as to other deadlines that will not impact the above-referenced trial or pretrial dates).

IT IS SO ORDERED:

Dated: ***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

K. Christopher Jayaram

Judge of the Johnson County District Court

Division 12

PLAINTIFF/PLAINTIFF ATTORNEY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEFENDANT/DEFENDANT ATTORNEY:

\_\_\_\_\_\_\_\_\_