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

**CIVIL COURT DEPARTMENT**

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| In the Matter of: |  |
|  | **Case no:** |
| **And** | **Division 21, Chapter 60** |
|  |  |

**CASE MANAGEMENT ORDER**

Now on this \_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_ after review of the court file and consultation with counsel, the Court enters the following orders and deadlines which will govern the discovery in this case:

1. **TRIAL SETTING:**
   1. This case has been set for trial to a jury beginning the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at 9:00.
   2. The estimated length of trial is  days;
2. **FINAL TRIAL CONFERENCE**: The Court sets aside one hour for final trial conferences. If you need additional time, please contact the Division 21 Administrative Assistant and request additional time. Because only one hour is set, it is imperative that the attorneys adhere to the schedule below. The attorneys/parties understand that failure to adhere to this schedule may result in a continuance of the trial date, and/or other sanctions to be determined by the Court.
   1. A final trial conference will be held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at  **a.m.**  **p.m.**
   2. **One week prior** to the final trial conference, the parties will submit the following jointly prepared documents to the Court in WORD and PDF format:
      1. **Jury Instructions:** A single set of jointly prepared jury instructions shall be submitted to the Court. Plaintiff will prepare the initial set and provide such to the Defendant at least three (3) weeks prior to the final trial conference date. Defendant will respond with any objections, changes, or additions he/she/they would like made and return back to Plaintiff at least two (2) weeks prior to the final trial conference date. Plaintiff will reply and the jointly prepared document will be submitted to the Court one (1) week prior to the final trial conference date. If there are no changes to a jury instruction, the Court assumes it is agreed upon. If there are any non-PIK instructions, please include the law relied upon.
      2. **Motions and pretrial briefs** (including, but not limited to motions in limine). Any motions or pre-trial briefs must be submitted to the Court at least (1) week prior to the final trial conference. The Court requires parties to send copies of all motions to the Division 21 Administrative Assistant in WORD and PDF format at the time of filing. **Please number each page of your brief, include a table of contents, and a table of authorities.**
      3. **Deposition Designations.** Deposition designations should be jointly prepared and one document sent to the court. The requesting counsel/party shall submit his/her/their proposed designations to opposing counsel/party two week before the final trial conference. Opposing counsel will note his/her/their objections on that document and submit the jointly prepared document to the Court 1 week prior to the final trial conference. The party requesting the designation MUST provide the Court with a copy of the deposition transcript. A party that fails to comply with this scheduling deadline must request leave of the Court, in writing, to utilize the deposition in lieu of live testimony at trial.
3. **PRE-TRIAL CONFERENCE:** 
   1. A Pre-Trial Conference shall be held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at **a.m.  p.m.**
   2. The parties must comply with Johnson County District Court Local Rule 13. (If you submit an agreed pre-trial order, contact the Administrative Assistant to have hearing taken off calendar, after you have mailed it in to the Court. If you cannot come up with an agreed pre-trial order, all counsel will need to make a personal appearance with their version of a pre-trial order)
4. **DISCOVERY DEADLINE:** 
   1. No written discovery may be served by any party after \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, absent agreement of the parties or order of this Court.
   2. All discovery in this case shall be completed on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. 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:** The Court requires parties to send copies of all motions to the Division 21 Administrative Assistant in WORD and PDF format at the time of filing. **Please number each page of your brief, include a table of contents, and a table of authorities.**
   1. Dispositive Motions: Any dispositive motion must be filed no later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. 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 (2) months to rule on such motions prior to the final trial conference/trial. Please plan your dates accordingly.
   2. 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 without leave of the Court. 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 above referenced.
      1. Hearing on motion to compel: If the parties are unable to resolve their discovery dispute and the motion(s) is/are set for a hearing, the parties shall jointly prepare [Division 21’s Summary of Discovery Disputes](DIV%2021%20-%20Summary%20of%20Discovery%20Dispute.docx) (a copy of which can be retrieved at: [JOHNSON COUNTY DISTRICT COURT (jocogov.org)](https://courts.jocogov.org/judge_Triplett.aspx)
   3. 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.
   4. 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 opposing counsel agree(s) to the relief sought in the motion.
   5. The moving party shall not provide a proposed journal entry relating to the motion filed, unless the journal entry is signed by all counsel of record in the case, or the motion recites specifically that all counsel of record have been consulted, and that they agree to the relief granted in the proposed journal entry.
   6. The parties must comply with Johnson County District Court Local Rule 8.
   7. Scheduling motions: Any party who desires a hearing for oral argument on any motion filed is responsible for contacting the Administrative Assistant for Division 21 to schedule such hearing. Such party must then send written notice of the hearing to all other parties.
7. **EXPERT WITNESSES:** 
   1. Any party that intends to call an expert witness at trial, and/or that has an affirmative claim for damages must designate an expert witness on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. 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, 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.
   2. Any party that wishes to call a rebuttal expert witness to testify at trial must identify such expert witness on or before the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Such designation ***must include*** the name and business address of each rebuttal expert witness. In addition, the designation ***must state*** the subject matter on which each designated expert is expected to testify, 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.
   3. 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.
   4. 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. The parties are mutually responsible for contacting the Court to set a hearing on the objection.
   5. 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. 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 (or attached to) the Pre-Trial Order. The final witness and exhibit list must be specific (catch-all phrases like any witness identified during 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 parties 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:**
    1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**IT IS SO ORDERED:**

**Hon. Catherine Decena Triplett**

**Division 21**

**PLAINTIFF/PLAINTIFF ATTORNEY(s):**

**DEFENDANT/DEFENDANT ATTORNEY(s):**