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

**CIVIL COURT DEPARTMENT**

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

Plaintiff,

Case No.

Division 4

v. Chapter 60

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

Defendants,

**CASE MANAGEMENT ORDER**

Now on the date stated on the file stamp below, 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:** This case has been set for trial (to a jury)

(to the court) beginning the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_\_\_\_. The estimated length of trial is \_\_\_\_\_\_ days. **This is a firm trial date and no continuance will be granted. Only under extraordinary circumstances will the court consider a continuance.**

2. **DISCOVERY DEADLINE:** All discovery in this case shall be completed on or before the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

No written discovery may be served by any party after the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

3. **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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_. 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.

4. **FINAL PRE-TRIAL CONFERENCE**: A final pre-trial conference will be held on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, at \_\_\_\_\_\_\_\_ \_\_.m. **Two weeks** prior to the final pre-trial conference, the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, the parties will submit the following to the Court:

a. An agreed pre-trial order. The parties must comply with Johnson County District Court Local Rule 13. \***NON JURY TRIAL CASES ONLY**\* 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 and laptops).

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

c. Each party shall provide to the Court any jury instructions requested by that party that are not stipulated. Should the parties not agree to instructions, counsel will be expected to stay and work together until an agreed set has been reached.

d. Any motions in limine. Responses to motions in limine shall be submitted by 5:00pm one week prior to the final pre-trial conference.

5. **FINAL WITNESS AND EXHIBIT LIST**: The parties shall include a final list of witnesses and exhibits, in the Pre-Trial Order and **each list shall be e-filed with the Court**. The final witness and exhibit list must be specific. The Court will not accept 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 and will be stricken.

6. **EXPERT WITNESSES:**

A. Any party with an affirmative claim for damages must designate an expert witness on or before the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_­­\_\_. 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.

B. Any party that wishes to call a rebuttal expert witness to testify at trial must identify such expert witness on or before the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_. 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. 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.

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.

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.

7. **MOTIONS TO AMEND:** Any motions to amend the pleadings must be filed on or before the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_. 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.

8. **MOTIONS:**

A. **Dispositive Motions**: Any dispositive motion must be filed no later than

the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_. Such motion and any response thereto, must be in compliance with Kansas Supreme Court Rule 141, or it will not be considered. Alldispositive motions need to be filed and fully briefed 60 days before the Final Trial Conference and set for hearing. Any dispositive motion filed after the deadline in this Case Management Order, regardless of the title of the document, will be treated as trial briefs only.

B. **Motions To Compel Discovery**: Any motion to compel discovery must be filed within 30 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. 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. All motions must recite with particularity and the numbered discovery requests at issue.

The motion must also recite the date of the conference call above-referenced.

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 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.

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

G. Scheduling motions: Any party who desires a hearing for oral argument on any motion filed is responsible for contacting the Administrative Assistant for Division 4 to schedule such hearing. Such party must then send written notice of the hearing to all other parties.

9. **SETTLEMENT CONFERENCE:** The parties upon agreement may participate in a settlement conference/mediation prior to the Pre-Trial Conference. 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.

10. **OTHER ORDERS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**\*During the COVID-19 Pandemic - regarding Supreme Court Administrative Order 20PR58 - Deadlines for responses to motions filed are not extended. The proper pleading must be filed, and brought to the courts attention, in a timely manner, should COVID-19 impact a parties ability to respond to a motion within the required time frame.\***

**NO CHANGES TO BE MADE TO THE CURRENT WORDING OF THIS ORDER. ANY ADDITIONAL WORDING, OR ORDERS, MUST BE ENTERED INTO PARAGRAPH 10.**

**PLAINTIFF/PLAINTIFF ATTORNEY:**

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**DEFENDANT/DEFENDANT ATTORNEY:**

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**IT IS SO ORDERED**:

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

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Rhonda K. Mason

Judge of the District Court