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

**CIVIL COURT DEPARTMENT**

Plaintiff

Case No.

v. Division: 6

Chapter 60

Defendant

**CASE MANAGEMENT ORDER**

Now on this day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_*,* \_\_\_\_\_\_ 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 \_\_ beginning

the **\_**day of **\_\_, 201\_ at 9:00.** The estimated length of trial is **\_ days; \_ up.**

1. **JURY TRIAL PREPARATION MEETING/FINAL ARGUMENT**

**HEARING**: A final hearing will be held on the **\_**day of \_**, 20\_\_, at 9:00**.

21 days prior to this hearing, 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 additional jury instructions requested by

that party that are not stipulated.

**C.** Any motions in limine. Responses to motions in limine shall be submitted

one week before the argument hearing.

**D**. Deposition Designations of witnesses a party intends to play or read at trial in lieu of

live testimony and the reason the offering party states the witness cannot testify live

at trial.

THIS FINAL JURY TRIAL PREPARATION MEETING/FINAL ARGUMENT IS NOT THE STATUTORY FINAL PRETRIAL CONFERENCE. THAT WILL HAVE ALREADY OCCURRED BY THIS TIME.

**3. FINAL PRE-TRIAL CONFERENCE:** A Pre-Trial Conference shall be held on the **\_**day of \_\_**, 201\_, at \_\_.** The parties must comply with Johnson County District Court Local Rule 13. This is the final pretrial conference in accordance with K.S.A. 60-216(e).

**4. DISCOVERY DEADLINE:** All discovery in this case shall be

completed on or before the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_. This deadline is the CLOSE of discovery. Meaning that any motion to compel must be filed by this date. No written discovery may be served by any party after the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_\_ [Counsel, it is recommended that this date be at least 45 days prior to the close of discovery], absent agreement of the parties **AND** an order approving the agreement from 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_. Such motion

and any response thereto, must be in compliance with Kansas

Supreme Court Rule 141, or it will not be considered. Once a dispositive motion is filed, the moving party shall contact Div. 6 immediately to request a hearing date if oral argument is requested. The dispositive motion needs to be resolved prior to the Pre-Trial Conference. [**Counsel, please make sure your dispositive motion deadline is after discovery is closed and AT LEAST 8 weeks prior to the Pre-Trial Conference to make sure the matter is resolved prior to the Pre-Trial Order**]

**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 may 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. The motion must also recite the

date of the conference call above-referenced.

**C.** Other motions or requests from the court: If a motion is filed or a filing requesting

court action 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 or filing.

**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 6 to schedule such hearing.

Such party must then send written notice of the hearing to all other

parties.

**7. 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 \_\_\_\_\_\_\_\_,

201\_\_. 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.

**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 may be 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.

**8. MOTIONS TO AMEND:** Any motions to amend the pleadings must be filed on or before the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_. Absent agreement of the parties or leave of court, 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 may be struck).

**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:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**PLAINTIFF/PLAINTIFF ATTORNEY:**

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**DEFENDANT/DEFENDANT ATTORNEY:**

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IT IS SO ORDERED:

Dated:

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

Robert J. Wonnell

Judge of the District Court

Division 6