

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
DIVISION**

)	
)	
Plaintiff ,)	
)	
v.)	Civil Action
)	No.
)	
)	
)	
Defendant.)	

SCHEDULING ORDER

In accordance with Rules 16(b) and 26(f), Fed.R.Civ.P. and Local Rules 16.1 and 26.1, the parties have filed a joint proposed scheduling order which will be approved by the Court. The following time schedule is herewith established with respect to pretrial discovery, the joinder of additional parties, amendment of the pleadings, the filing of motions, and certain additional matters:

1. All pretrial discovery shall be completed by _____.
2. Any motion to compel discovery shall be filed prior to the time specified for the close of discovery, unless a response to a discovery request is not due until after said date, in which case a motion to compel with respect to that discovery request shall be filed within ten (10) days immediately after the response is made or is due (whichever is earlier.)
3. All motions to amend pleadings or to join additional parties shall be filed on or before _____.
4. All dispositive motions shall be filed on or before _____.

5. Disclosure of Expert Testimony

- A. With respect to a party who intends to call an expert for the purpose of supporting an affirmative claim for relief, disclosure of expert testimony shall be filed not later than sixty (60) days prior to the date specified for the close of discovery; and shall, with respect to a party who intends to call an expert for the purpose of defending against an affirmative claim for relief, be filed not later than thirty (30) days prior to the date specified for close of discovery. The disclosures must comply with Federal Rule of Civil Procedure 26(a)(2)(A)(B). Note these times differ from those specified in Federal Rule of Civil Procedure 26(a)(2)(C).
- B. With respect to treating physicians, the requirements of this paragraph 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 within the time limits specified herein. 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.

6. A pretrial teleconference is set for _____. Plaintiff is responsible for setting up the call.

7. The following documents shall be filed prior to the pretrial conference:

- A. Motions in limine shall be filed at least ten (10) days prior to the pretrial conference. Responses to motions in limine shall be filed at least three (3) days prior to the pretrial conference.
- B. Pursuant to Local Rule 39.1, at least three (3) days prior to the date the pretrial conference is to be held, each party shall file and serve a list of all witnesses who may be called at trial. If a witness is not listed by a party, that witness will not be permitted to testify absent leave of Court and then only for the purpose of unanticipated rebuttal or impeachment. After the time for filing lists of witnesses has expired, no supplemental or amended list will be filed without leave of Court and for good cause.
- C. Pursuant to Local Rule 39.1, at least three (3) days prior to the date the pretrial conference is to be held, that party will file and serve a list of all exhibits which may be offered at trial.
- D. Ten (10) days before the date the pretrial conference is to be held, each party asserting an affirmative claim or claims for relief (plaintiff, third-party plaintiff, counterclaiming defendant, etc.), shall file and serve a designation, by page and

party plaintiff, counterclaiming defendant, etc.) shall file and serve a designation, by page and line number, of any deposition testimony to be offered in evidence as a part of that party's case.

- E. Five (5) days prior to the date the pretrial conference is to be held, each party defending against an affirmative claim for relief shall file and serve:
 - a. Any objections to proposed deposition testimony designated by any other party;
 - b. A designation, by page and line number, of any deposition testimony to be offered as cross-examination to deposition testimony designated by other parties; and
 - c. A designation by page and line number, of any deposition testimony to be offered in evidence as part of that party's case-in-chief in connection with such defense.
- F. At least ten (10) days prior to the date the pretrial conference is to be held, each party shall disclose medical records to be used at trial, and each party shall have five (5) days prior to the pretrial conference to file any objections.

8. This case is set for jury trial on _____, at 9:00 a.m., before the undersigned, United States Courthouse, 222 North John Q. Hammons Parkway, Springfield, Missouri.

9. The following documents shall be filed prior to trial:

- A. Two (2) weeks prior to trial, the parties shall jointly submit an original (without sources) and an annotated (with sources) set of proposed jury instructions. Proposed annotated instructions shall reflect the authorities upon which the instruction is based and should be taken from or drawn in the manner of the *Missouri Approved Instructions* (MAI) where available and appropriate.
- B. At least ten (10) days prior to the date of trial, counsel for each party is requested to file a list of questions or topics for voir dire examination desired to be propounded by the Court. Objections to opposing party's voir dire questions shall be filed at least five (5) days prior to trial.

The schedules fixed herein will not be extended except for good cause shown and upon

further written order of the court.

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

Date: _____