

12/20/09

CLERK OF DISTRICT COURT

2010 JAN -6 PM 2:45

FILED

BY \_\_\_\_\_  
DEPUTY

1 **HON. TED O. LYMPUS**  
District Judge, Department No. 1  
2 Flathead County Justice Center  
3 920 South Main Street  
Kalispell, MT 59901  
4 Phone: (406) 758-5906

5  
6  
7  
8 **MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY**

9 KLEINHANS FARMS ESTATES, LLC ) Cause No. DV-08-614 (B)  
Montana Limited Liability Company, )

10 )  
11 Plaintiff, )

12 -vs- )

**THIRD AMENDED RULE 16  
SCHEDULING ORDER**

13 FLATHEAD COUNTY, )

14 Defendant. )  
15 )

16 Pursuant to Rule 16(b) M.R.Civ.P., the Court sets the following deadlines in the above  
entitled case:

17 **Prior to November 25, 2009:** Amend pleadings, join additional parties.

18 **Prior to February 1, 2010:** Exchange exhibits and lists of lay (non-expert) witnesses.

19 **Prior to February 15, 2010:** Names and addresses of Plaintiff's expert witnesses,  
20 together with the information called for in Rule 26, M.R.Civ.P., must be furnished to opposing  
21 parties.

22 **Prior to February 26, 2010:** Names and addresses of Defendant's expert witnesses,  
23 together with the information described in Rule 26, M.R.Civ.P., must be furnished to all  
opposing parties.

24 **Prior to March 19, 2010:** **DISCOVERY COMPLETED.** The term "completed" means  
25 that discovery requests shall have been submitted so that the required responses are due on or  
before this date, and that depositions shall have been completed.

ALP

1  
2 **ESTABLISHING DEADLINES FOR THE IDENTIFICATION OF EXPERT WITNESSES,**  
3 **WITNESSES AND EXHIBITS DOES NOT SUPERSEDE THE REQUIREMENT OF ALL**  
4 **PARTIES TO FAIRLY AND ACCURATELY RESPOND TO OTHER DISCOVERY. THAT**  
5 **IS TO SAY, BY ESTABLISHING THESE DEADLINES, IT IS NOT INTENDED THAT**  
6 **THE PARTIES ARE NOT REQUIRED TO IDENTIFY EXPERTS, WITNESSES OR**  
7 **EXCHANGE EXHIBITS IN RESPONSE TO DISCOVERY REQUESTS BY CLAIMING**  
8 **THAT THE EXCHANGE OF INFORMATION IS NOT DUE UNTIL THE DEADLINES**  
9 **ESTABLISHED BY THIS ORDER. ALL DISCOVERY IS TO BE FAIRLY AND**  
10 **ACCURATELY RESPONDED TO AND FAILURE TO DO SO MAY RESULT IN**  
11 **APPROPRIATE SANCTIONS.**

12 **Prior to March 26, 2010:** Motions for summary judgment shall be filed and fully briefed.  
13 Upon the filing of the same, the Court will issue an order setting the briefing schedule.

14 **Oral argument will NOT be scheduled unless requested by a party in writing, in**  
15 **accordance with said order, and submission of a proposed order with self addressed,**  
16 **stamped envelopes.**

17 **Prior to March 26, 2010:** All other motions shall be filed and fully briefed.

18 **Prior to April 21, 2010:** Hold settlement conference. (The Court will have available a  
19 list of Settlement Masters or you may make your own arrangements). No trial will be held  
20 without a Settlement Conference being held by this date. The Settlement Master's Report shall  
21 be filed by **April 28, 2010.**

22 **A Pretrial Conference will be held on Wednesday, May 5, 2010 at 9:00 a.m.** A  
23 Pretrial Order shall be prepared and submitted by Plaintiffs' counsel at the Pretrial Conference as  
24 per U.D.C.R.5. If no motions are to be heard, and a Pretrial Order has been completed and  
25 signed and submitted, counsel/parties may seek leave of the Court to conduct the  
conference by telephone.

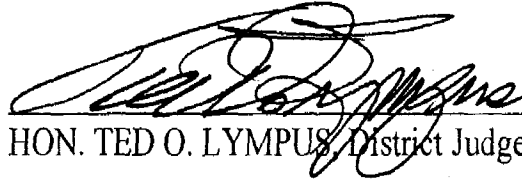
**Jury Instructions** shall be submitted by counsel (or the parties) no later than 3 working  
days prior to the date of trial. Counsel (or the parties) shall simultaneously exchange their  
instructions at an agreed upon time prior to their submission to the Court, and shall then jointly  
submit a set of the instructions to which there is no objection. Each counsel (or party) shall also  
submit, separately, any additional proposed instructions.

**The Trial by Jury is hereby set for the Court term beginning Monday, June 14,**  
**2010, at 9:30 a.m.,** with an attorneys' conference at 9:00 a.m. A date certain for trial will be set  
following the Pretrial conferences.

1 Failure of counsel or parties to adhere to this scheduling order may result in the loss of  
2 trial date, sanctions, or notification to clients as to the reasons for further delay.

3 DATED this 16<sup>th</sup> day of JANUARY, 2010.

4 MONTANA ELEVENTH JUDICIAL DISTRICT

5  
6   
7 HON. TED O. LYMPUS, District Judge

8  
9 cc: Terance P. Perry, Esq.  
Alan F. McCormick, Esq.

10  
11 *1/16/10*  
*mlt*  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25