

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

EILEEN JANIS and)	CIV. 09-5019-KES
KIM COLHOFF,)	
)	
Plaintiffs,)	
)	
vs.)	
)	SCHEDULING ORDER
CHRIS NELSON, in his official)	
capacity as Secretary of State of)	
South Dakota and as a member)	
of the State Board of Education;)	
PAULA JONES,)	
GAIL BROCK,)	
CHRISTOPHER W. MADSEN,)	
RICHARD CASEY,)	
KAREN M. LAYHER, and)	
LINDA LEE VIKEN, in their)	
official capacities as members of)	
the State Board of Elections; and)	
SUE GANJE, in her official)	
capacity as Auditor for Shannon)	
County,)	
)	
Defendants.)	

Counsel for the parties have held a planning meeting in compliance with Fed. R. Civ. P. 26(f) and submitted a report thereon. Now, therefore,

IT IS ORDERED THAT:

1. Local Rules of Practice of the court shall apply where not inconsistent with the Federal Rules of Civil Procedure.

2. All pre-discovery disclosures required by Rule 26(a)(1) shall be exchanged by the parties, but not filed with the court, on or before **June 22, 2009**.
3. The parties shall have until **August 24, 2009**, to move to join additional parties and to amend the pleadings.
4. All discovery, including expert discovery, shall be commenced in time to be completed by **November 2, 2009**. A maximum of 30 interrogatories by each party shall be allowed, and responses thereto shall be due thirty days after service. Discovery responses must be supplemented as additional information becomes available. Any evidence responsive to a discovery request which has not been disclosed on or before that date, except for good cause shown, shall be excluded from evidence at trial. Disputes with regard to discovery shall be called immediately to the court's attention by the making of an appropriate motion and shall not be relied upon by any party as a justification for not adhering to this pretrial schedule.
5. Motions to compel discovery shall be filed no later than ten working days after the subject matter of the motion arises. Motions to compel discovery shall not be filed until the parties have complied with D.S.D. LR 37.1.

6. There will be a maximum of 15 depositions for each party, excluding depositions of experts. Depositions shall be limited to seven hours.
7. The identity of and reports from retained experts under Rule 26(a)(2) shall be due from plaintiffs by **September 11, 2009**, and from defendants by **October 9, 2009**; any supplementations thereto under Rule 26(e) shall be due twenty days prior to trial. Disclosures and reports under Rule 26(a)(2) are not filed with the Clerk. Any expert not so designated will not be permitted to testify at trial.
8. Each party's disclosure shall identify each expert and state the subject matter on which the expert is expected to testify. The disclosure shall be accompanied by a written report prepared and signed by the witness. As required by Fed. R. Civ. P. 26(a)(2)(B), the report shall contain:
 - a. The qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years;
 - b. The compensation to be paid for the study and testimony;
 - c. A listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years;
 - d. A complete statement of all opinions to be expressed and the basis and reasons therefor;
 - e. The data or other information considered by the witness in forming the opinions; and

- f. Any exhibits to be used as a summary of or support for the opinions.
- 9. All motions, other than motions in limine, together with supporting briefs, shall be filed and served on or before **December 15, 2009**.
Opposing parties shall file and serve answering materials and briefs within twenty days. Reply briefs shall be filed and served within ten days.
- 10. The parties shall promptly contact a magistrate judge so that the possibility of settlement discussion with the assistance of a magistrate judge can be pursued.
- 11. The schedule herein may be modified by the court only upon formal motion and upon a showing of good cause.

Dated June 16, 2009.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
CHIEF JUDGE