

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

ASSOCIATION OF COMMUNITY)
ORGANIZATIONS FOR REFORM NOW,)
et al.,)
)
Plaintiffs,)
)
v.) Case No. 08-04084-CV-C-NKL
)
DEBORAH E. SCOTT, et al.,)
)
Defendants.)

SCHEDULING AND BENCH TRIAL ORDER

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and upon consideration of the parties' proposed scheduling order and arguments, the following schedule is hereby established:

A. TRIAL SETTING:

1. This case is scheduled for a bench trial on June 16, 2009, at 9:00 a.m., at the United States Courthouse, 131 W. High Street, Jefferson City, Missouri 65101. Unless requested within fourteen (14) days from the date of this Order, no continuance of the trial date or the pretrial conference date will be given except upon written notice and for exceptional cause.

2. The list of cases to be tried will be sent to the parties approximately six - eight weeks in advance of that docket. The parties shall stay in touch with my courtroom deputy, Renea Kanies (816-512-5689) to determine when their case will be reached for trial.

B. PLEADINGS:

1. Any motion to join additional parties will be filed on or before September 30, 2008.

2. Any motion to amend the pleadings will be filed on or before September 30, 2008.

C. DISCOVERY:

1. Absent extraordinary circumstances, all discovery motions will be filed on or before January 15, 2009. See Local Rule 37.1 for procedures that must be followed before filing a discovery motion. The Court will not entertain any discovery motion absent full compliance with Local Rule 37.1. Any discovery motion filed without complying with Local Rule 37.1 will be denied. In the event that a teleconference is needed, my courtroom deputy may be reached at (816) 512-5689. All teleconference requests should be directed to her. Each party to the dispute shall fax a description of the discovery dispute, **not to exceed one page in length**, to the Court at (573) 636-5108, and to opposing counsel at least two hours before the teleconference.

2. Expert designations and depositions will be as follows:

a. On or before February 13, 2009, the parties will designate any expert witnesses and provide a report of each expert. This includes any person who may present evidence under Rules 702, 703, or 705 of the Federal Rules of Civil Procedure.

c. On or before March 6, 2009, all rebuttal expert reports will be completed.

3. All fact discovery will be completed on or before January 30, 2009. All expert discovery will be completed on or before March 27, 2009.

D. DISPOSITIVE MOTIONS: The deadline for filing dispositive motions is at least one hundred twenty (120) days prior to the date set for trial. All dispositive motions, except those under Rule 12(h)(2) or (3), will be filed on or before April 3, 2009. All summary judgment motions will comply with Local Rule 56.1. The Court will treat all Daubert motions as dispositive motions for purposes of this paragraph.

E. EXTENSION OF TIME:

1. All motions for extension of time pursuant to Rule 6(b) or Rules 31, 33, 34 and 36 must state:

 a. The date when the pleading, response or other action is/was first due;

 b. The number of previous extensions and the date the last extension expires;

 c. The cause for the requested extension, including a statement as to why the action due has not been completed in the allotted time; and

 d. Whether the requested extension is approved or opposed by opposing counsel (agreement by counsel of a requested extension is not binding on the Court).

F. PRETRIAL CONFERENCES:

1. A pretrial conference will be held 1/2 hour before the trial in Judge Laughrey's chambers, 131 West High Street, Jefferson City, Missouri. Prior to the trial, counsel for all parties shall meet, prepare and sign a Memo on Pretrial Conference in the form attached. The Memo on Pretrial Conference must be filed electronically by 5:00 p.m. on June 9, 2009. All parties are responsible for the preparation of the Memo on Pretrial Conference and shall jointly complete this Memo.

G. WITNESS LIST: If a witness is not listed by a party in the Memo on Pretrial Conference, that witness will not be permitted to testify absent leave of Court.

H. EXHIBITS: Pursuant to Local Rule 39.1, at least three (3) days prior to trial, each party will file and serve a list of all exhibits which may be offered at trial. **The parties shall additionally prepare and provide to the courtroom deputy, the morning**

of trial, an Exhibit Index, with said index being prepared on a form provided by the Clerk's Office.

1. **Exhibit List:** Except by leave of Court for good cause, no exhibit will be received in evidence which is not listed in the Memo on Pretrial Conference.

2. **Marking:** Plaintiff and Defendant shall use numbers, designating who is offering the exhibit (P1 for Plaintiff's Exhibit 1, D1 for Defendant's Exhibit 1, J1 for Joint Exhibits, etc.). Each item, i.e., each photograph, each document, must have its own exhibit number. All exhibits shall be marked by the parties prior to trial.

3. **Copy of exhibits for Court.** At the time an exhibit is used during trial, the party who first uses the exhibit must provide a copy of the exhibit to the Court.

I. TRIAL BRIEFS: Trial briefs shall be submitted at least three (3) days prior to trial.

J. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

At least five (5) days prior to the date of trial, counsel for each party are required to file proposed findings of fact and conclusions of law. Parties shall email to Fran Smith at Fran_Smith@mow.uscourts.gov their proposed findings of fact and conclusions of law in WordPerfect or Word format.

K. MOTIONS IN LIMINE: Motions in limine must be filed at least *ten (10) days* prior to trial. Responses to any motions in limine must be filed at least *five (5) days* prior to trial.

L. TESTIMONY BY DEPOSITION:

1. **Deposition Designations:** On or before May 26, 2009, each party 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.

2. **Objections to Deposition Designations and Counter Designations:** On or before June 2, 2009, each party 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 proposed deposition testimony to be offered as cross-examination to deposition testimony designated by other parties.

3. **Objections to Counter Designations:** On or before June 9, 2009, each party shall file and serve objections to proposed deposition testimony to be offered as cross-examination.

M. SETTLEMENT DEADLINE: Unless otherwise ordered, the court hereby imposes a settlement deadline of **12:00 Noon on day before trial.** If the case is settled after that date, the court may enter an order to show cause why certain costs should not be imposed on the party or parties causing the delay in settlement.

IT IS SO ORDERED.

/s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
UNITED STATES DISTRICT JUDGE

Dated July 31, 2008