

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

)	
)	
Plaintiff(s),)	Case No. _____
)	
v.)	Division 3
)	
)	
)	
Defendant(s).)	

CIVIL CASE MANAGEMENT SCHEDULING ORDER

Now on this _____ day of _____, 20 ____, this matter is called and is before the Court. The Plaintiff(s) appear(s) by _____ and the Defendant(s) appear(s) by _____. A completed and signed copy of this Order was hand-delivered, mailed, faxed and/or emailed to each party on the date set forth in the Certificate of Service below. The Court, being fully advised in the premises, does hereby enter the following Orders:

IT IS HEREBY ORDERED that this case is set for a new case management conference on _____, 20__ at _____ .m.

IT IS HEREBY ORDERED that this case is set for jury trial on _____, 20__ commencing at 9:00 a.m. The parties estimate that the complete trial will last ____ days.

IT IS FURTHER ORDERED and the parties are hereby advised and understand that **no continuances will be granted absent a showing of good cause and extraordinary circumstances, made known to the Court as soon as possible.** Failure to complete discovery consistent with this Scheduling Order will **not** be a basis for continuing the trial date.

- *check if applicable* **IT IS FURTHER ORDERED**, with the Court having now established a trial date for this case, that pursuant to the parties' request and representation that they have agreed to prepare a stipulated case management scheduling order, said order shall be prepared, signed by all attorneys of record, and submitted to the Court for signature within ten

(10) days of the date of this Order. In the event such Order is not so prepared and submitted, the Court shall enter its own scheduling order. The parties are hereby advised that even if they create and establish their own scheduling order pursuant hereto, the terms hereinafter set forth regarding the scheduling and procedure for a pre-trial conference **shall** apply.

IT IS FURTHER ORDERED that the parties shall comply with the following schedule [the dates in this section will be left blank only if the parties have stipulated and agreed to submit their own scheduling order]:

1. Any and all requests to amend pleadings and/or add parties shall be filed no later than _____.
2. Plaintiff(s) shall disclose and designate all experts on or before _____.
3. Defendant(s) shall disclose and designate all experts on or before _____.
4. All discovery shall be *completed* and shall close (i.e. all depositions taken and responses completed to timely propounded discovery requests) on or before _____. Discovery includes, but is not limited to, interrogatories, requests for production of documents, depositions, and requests for admissions. Completion of discovery contemplates and includes timely responses to discovery requests. Discovery may not be conducted after the closure date except by agreement of the parties or a prior order of the Court for good cause shown upon the filing of a timely motion to extend discovery filed *before* the original closure date. *An agreement of the parties to conduct discovery after the closure day shall **not** constitute grounds for continuance of the trial. The failure of the parties to timely complete discovery shall **not** constitute grounds for continuance of the trial.* Nothing contained herein shall excuse a party from the continuing obligation to update responses to discovery or to respond to discovery requests made before the closure date set forth above.
5. Any and all dispositive motions shall be filed on or before _____. Any dispositive motion filed after said date will be considered together with the trial of the case.

6. The parties are ordered to participate in mediation, which mediation shall take place on or before _____. The parties shall agree upon a mediator no later than thirty (30) days before the deadline for mediation as set forth above. If the parties are unable to agree upon a mediator by said date, they shall notify the Court and the Court shall appoint a mediator. The attorneys who will actually try this case shall attend the mediation. Each party shall personally appear at the mediation and actively participate in the process. A representative of/from each party with settlement authority shall attend the mediation. Each party shall pay, directly to the mediator, their respective pro-rata cost of the mediation.

IT IS FURTHER ORDERED that the parties shall comply with the following procedures pertaining to a pre-trial conference and other related pre-trial procedures – the terms of this section shall apply in **all** cases, even in those cases where the parties have stipulated and agreed to the creation of their own scheduling order:

1. If, one month prior to the scheduled trial date, this case has not been settled, the parties **shall** jointly contact the law clerk for Division 3 and schedule a pre-trial conference. The pre-trial conference will be held *approximately* two weeks before trial. Counsel who will actually try the case *must* attend the pre-trial conference. Individual parties must be available by telephone to discuss the case, including settlement of the case. If a party is not an individual, an authorized representative thereof who is capable of discussing the case and/or authorized to make settlement decisions must be available by telephone.
2. No later than one week before the date of the pre-trial conference with the Court, counsel shall meet with each other for an informal pre-trial conference, at which time they shall:
 - A. Discuss and thoroughly exhaust all settlement possibilities;
 - B. Enter into all possible stipulations of fact;
 - C. Pre-mark exhibits and exchange exhibit lists;
 - D. Exchange exhibits and stipulate, whenever possible, as to waiver of foundation and identification of exhibits; and
 - E. Identify and discuss their respective deposition designations and interrogatory designations, discuss any objections thereto, and resolve, whenever possible, any objections regarding such designations.

3. No later than three days before the pre-trial conference, counsel **shall** provide to the Court and/or file with the Court all Motions in Limine, deposition designations and interrogatory designations. Any party opposing same **shall** provide to the Court and/or file with the Court, their opposition/objections thereto, no later than two days before the pre-trial conference. Courtesy copies of any such pleadings filed with the Court **shall** be provided to Division 3 (such courtesy copies shall be marked as “courtesy copies” and shall reflect the file stamp date of the original). Courtesy copies **shall** be emailed to div3chambers@courts.mo.gov. **Any Motions in Limine, deposition designations, interrogatory designations, and/or opposition/objections thereto, which are not timely filed and provided to the Court as set forth above, will not be considered by the Court.**
4. No later than three days before the pre-trial conference, counsel **shall** provide the Court with an electronic copy of “clean” and “dirty” proposed jury instructions (prepared in accordance with Missouri Rule of Civil Procedure 70), by e-mailing said proposed instructions to div3chambers@courts.mo.gov in Word (.doc) format.
5. At the pre-trial conference, counsel and the Court will discuss the following subjects, plus any others deemed appropriate:
 - A. Status of settlement negotiations and examine the possibility of settlement;
 - B. Length of trial;
 - C. Number of prospective jurors to be requested, number of alternate jurors to be seated, juror note taking, and juror questions;
 - D. Invoking the rule;
 - E. Special or unusual proposed voir dire questions (such as insurance);
 - F. Legal, procedural, and evidentiary issues;
 - G. Motions in Limine and opposition thereto, provided they have been timely filed and provided to the Court as set forth in paragraph 4 above. The Court will rule thereon;
 - H. Proposed jury instructions. In addition to the electronic copies of instructions provided according to paragraph 4 above, the parties **shall** provide the Court and opposing counsel with an original and one hard copy of the proposed jury instructions – i.e. one “clean” copy and one “dirty” copy (prepared in accordance with Missouri Rule of Civil Procedure 70). Counsel shall be prepared to fully discuss the instructions at the pre-trial conference.
 - I. Deposition designations, reasons for reading portions of depositions (instead of live testimony), foundations for same, including possible

waiver thereof or agreement thereon, and objections to reading certain portions of depositions, provided they have been timely filed and/or provided to the Court as set forth in paragraph 4 above. The Court will rule thereon;

- J. Designation of any answers to interrogatories or responses to request for admissions which any party proposes to read at trial, and any objections to reading same, provided they have been timely filed and/or provided to the Court as set forth in paragraph 4 above. The Court will rule thereon;
- K. Any stipulations of fact and stipulations as to exhibits; and
- L. Provide and/or file with the Court, an original and one copy of any trial briefs, exhibit lists, and witness lists, and provide copies of same to opposing counsel.

IT IS FURTHER ORDERED that the dates herein set forth shall be changed only by leave of Court.

IT IS FURTHER ORDERED that the parties and their attorneys are required to comply with the directives and requirements set forth in the document entitled “Policies, Procedures and Courtroom Decorum” as posted on the Division 3 website.

IT IS SO ORDERED.

Date

DAVID M. BYRN, Judge Division 3

CERTIFICATE OF SERVICE

I hereby certify that copies of the above and foregoing was hand delivered, emailed, mailed, and/or faxed on this _____ day of _____, 20____, to the parties/attorneys who appeared in court as identified in this Order and to other parties/attorneys who are involved in this case but did not appear in court.

Law Clerk or Judicial Administrative
Assistant, Division 3