

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

U.S. by & through Chester Smalkowski, et al
Plaintiff)

vs.)

Ind School District # 15,
Defendant)

Case No. 05-578-T

May 2006 TRIAL DOCKET

SCHEDULING ORDER

Date 10-4-05 Judge Ralph G. Thompson Clerk Mike Bailey

Appearing for Plaintiff MATTHEW DAVIS by phone

Appearing for Defendant MARK RAINES

JURY TRIAL DEMANDED - NON-JURY TRIAL

THE FOLLOWING DEADLINES ARE SET BY THE COURT

1. Motions to join additional parties to be filed by within 15 days of this order.
2. Motions to amend pleadings to be filed by within 15 days of this order.
3. (a) Plaintiff to file a final list of expert witness(es) in chief and expert reports by _____.*
(b) Defendant to file a final list of expert witness(es) in chief and expert reports by _____.*
4. (a) Plaintiff to file a final list of witnesses together with addresses and brief summary of expected testimony where a witness has not already been deposed by February 6, 2006.*
(b) Defendant to file a final list of witnesses (as described above) ten (10) days thereafter.*
5. (a) Plaintiff to file a final exhibit list by February 6, 2006.*
(b) Defendant to file a final exhibit list and any exhibits not previously submitted 10 days thereafter.*
***The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.**
6. Discovery to be completed by April 4, 2006.
7. All dispositive and *Daubert* motions to be filed by March 6, 2006.

If the deadline for dispositive motions and *Daubert* motions precedes the discovery deadline, the parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.

submit their proposed jury instructions or findings of fact and conclusions of law in WordPerfect format to the Clerk via the Court's designated mail box:
thompson-orders@okwd.uscourts.gov.

8. Trial docket May 8, 2006 **

****Trial dockets generally begin the second Monday of each month. However, this practice varies, particularly during holidays. The published trial docket will announce the trial setting.**

The interval between the dispositive motion deadline (¶ 7) and the trial docket (¶ 8) is relatively inflexible. An extension of time to file or respond to a motion for summary judgment will likely affect the trial setting.

9. Designations of deposition testimony to be used at trial to be filed by April 4, 2006. Objections and counter-designations to be filed by 5 days thereafter.
10. Motions in limine to be filed by April 4, 2006.
11. Requested voir dire to be filed by April 4, 2006.
12. Trial briefs (optional unless otherwise ordered) to be filed by April 4, 2006.
13. Requested jury instructions to be filed on or before April 4, 2006.***
14. Proposed findings and conclusions of law to be filed not later than April 4, 2006.***

15. Any objection or responses to the trial submissions referenced in 10, 11, 12, 13, or 14 to be filed within **eleven (11) days** thereafter.
16. The Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (*see Appendix IV*), together with a proposed order approving the report, to be submitted to the Court by April 4, 2006.

*****In addition to filing, the parties are encouraged, but not required, to**

17. This case is referred to the following Court-sponsored ADR/settlement process or special trial track:

by agreement of the parties, with the approval of the Court:
 by Order of the Court:

- Mediation
- Early Neutral Evaluation
- Non-binding arbitration
- "Cost Reduction Trial Track" (agreement of the parties required)
- Other _____

If the case is referred to mediation, early neutral evaluation, or non-binding arbitration, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, not later than February 28, 2006.

18. Once a civil case is set on a trial docket, that case will generally be scheduled for a settlement conference before a judge not otherwise assigned to the case.


19. The parties consent to trial by a Magistrate Judge.

20. Initial disclosures pursuant to Fed. R. Civ. P. 26 have been made ; are excused ; or shall be made not later than _____.

21. Other: _____

Dated this 4th day of October, 2005.

BY ORDER OF THE COURT
ROBERT D. DENNIS, CLERK OF COURT

By: 
Deputy Clerk

Copies to all parties