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FILED
BY Maelynn Bralleary
DEPUTY

1 HON. BRENDA R. GILBERT
District Judge
2 Sixth Judicial District
3 414 East Callender Street
Livingston, Montana 59047
4 406-222-4130

5 **MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY**

6 KATHLEEN RAKELA, and other members of) Cause No. DV 17-150
7 The Glastonbury Landowners Association,)
8)
9 Plaintiff,)

**AMENDED
CASE SCHEDULING ORDER**

10 vs.)

11 GLASTONBURY LANDOWNERS)
ASSOCIATION, INC., (GLA), DENNIS RILEY,)
12 DANILE KEHOE, MARK SEAVER, RICHARD)
JOHNSON, CHARLENE MURPHY, KEVIN)
13 NEWBY, LEO KEELER and Other Does,)
14)
Defendants.)

15 **Preliminary Note:** Discovery shall be completed and filed within the time set in this Order unless,
16 for good cause shown, the Court allows a longer period.

17 If the parties have not already done so, on or before any requests for discovery,
18 interrogatories or requests for admission are submitted to opposing counsel: The pre-discovery
19 disclosure required by Local Rule 6C must be furnished to opposing counsel.

20 1. On or before **APRIL 6, 2018:** All parties are to be joined and all amendments
to the pleadings are to be filed.

21 2. On or before **MAY 25, 2018:** Names and addresses of expert witnesses
22 together with the information described in Rule 26(b)(4)(A)(i), M.R.Civ.P., must be furnished to
23 opposing counsel on or before this date.

24 3. On or before **JUNE 29, 2018:** Names and addresses of rebuttal expert
25 witnesses together with the information described in Rule 26(b)(4)(A)(i), M.R.Civ.P., must be
furnished to opposing counsel on or before this date.

26 4. On or before **JULY 27, 2018:** All discovery in this matter shall be completed
27 on this date; i.e., all responses to discovery shall be due on or before this date.

1 5. At any time after the close of discovery, either party may request a Trial Scheduling
2 Conference.

3 6. On or before AUGUST 10, 2018: Exchange exhibit lists and final witness lists.

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

13 7. On or before AUGUST 31, 2018: All pretrial motions, including motions in
14 limine and motions for summary judgment, along with supporting briefs, shall be filed and served
15 on opposing counsel on or before this date. Filing of answer briefs and reply briefs shall comply
16 with the schedule provided by the Montana Rules of Civil Procedure and the Uniform District
17 Court Rules.

18 8. It shall be the responsibility of the moving party to advise the Court either that the
19 motions are submitted on briefs or to request a hearing in accordance with Rule 3 of the Local
20 Rules of the Sixth Judicial District.

21 9. There shall be no changes in this Scheduling Order absent Court order upon showing
22 of good cause. All motions for continuance shall be submitted in writing, supported by affidavit,
23 and shall bear the signatures of the parties.

24 10. On or before OCTOBER 5, 2018: A settlement conference shall be held before a
25 Special Settlement Master, as provided in Rule 11 of the Local Rules, by this date. Counsel are to
26 confer and select a Settlement Master by SEPTEMBER 14, 2018, and inform the Court of the
27 name of the Settlement Master. The Court will then issue appropriate orders governing the
28 conference. If the parties agree to hold a settlement conference earlier, they shall inform the Court
of the name of the settlement master at least two weeks prior to the settlement conference. The
Settlement Master shall submit a report to the Court within five (5) days of completion of the
conference. Counsel shall advise the Settlement Master and the Settlement Master shall include in
the report to the Court the anticipated length of trial and the dates the parties or key witnesses are
unavailable for trial. No case will be set for trial unless a master-supervised settlement conference
has been held, unless waived by stipulation of all counsel and unrepresented parties and approved
by Court order.

 11. If the parties are unable to reach an agreement of all issues through negotiation, or
at the settlement conference, then any party may file a request for trial scheduling conference.

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2 **Note: Counsel and pro se parties are advised that they may inquire regarding the status of a**
3 **pending motion or decision by contacting the Clerk of Court or Court Administrator, and they**
4 **are encouraged to do so if a matter has been deemed submitted for more than 30 days and no**
5 **decision has been made.**

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7 SO ORDERED this 6th day of March, 2018.

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9 Brenda R. Gilbert
10 BREND A R. GILBERT, District Court Judge

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CC: Jami Rebsom
Seth Cunningham
Court Administrator

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3-16-18
MB

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