

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

Recuperos, LLC,)
)
Plaintiff,) CIVIL NO. 04-229-S-BLW
)
v.)
)
American Food Stores,) NOTICE OF SCHEDULING
) CONFERENCE VIA TELEPHONE
Defendant.)
_____)

The Court will conduct a scheduling conference by telephone for the purpose of setting deadlines in accordance with Local Rule 16.1. In accordance with the time frames established during said scheduling conference, an order will be entered which will be binding upon the parties in this proceeding. A Litigation plan must be filed 7 days prior to the scheduling conference.

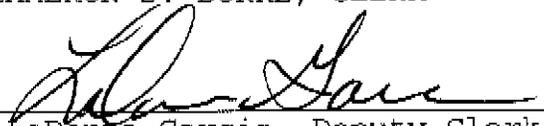
The above-entitled case has been set for a **scheduling** conference, via telephone, at 10:00am on August 26, 2004. The **plaintiff** is directed to initiate the call, the Court can be reached at (208)334-9145. Court prefers that a conference operator be used to place the conference call.

All participating counsel shall confirm their availability with the initiating party no later than five days prior to the conference. Counsel are also directed to file with the court any additions, changes, substitutions or corrections to the listed attorneys on the certificate of mailing attached hereto.

DATED: July ~~26~~, 2004

CAMERON S. BURKE, CLERK

By:


LaDonna Garcia, Deputy Clerk

attachment: litplan

July 26, 2004

COUNSEL:

Enclosed please find a Scheduling Conference/Litigation Plan Form for the Telephone Scheduling Conference set before Judge Winmill. Listed below are instructions that counsel shall follow:

- **Plaintiff's counsel shall contact all counsel/parties not listed on the Court's Certificate of Mailing and send a copy of this Notice and Litigation Plan.**
- **If an agreement absolutely cannot be reached on the Litigation Plan, each party shall then file its own Plan, indicating the areas of disagreement.**
- **The Stipulated Litigation Plan SHALL be filed with the Court at least SEVEN (7) days before the Scheduling Conference.**
- **Counsel shall not fax the Litigation Plan to the Court unless you use the Court's fax filing service.**
- **Judge Winmill requires Counsel to discuss the merits of mediation, or other alternative dispute resolution options with their clients and each other, prior to the Telephone Scheduling Conference.**

For information on types of mediation or ADR, contact Denise Asper, the Federal Court's Mediation Program Administrator at (208) 334-9067.

If I can be of assistance, please feel free to call me at (208) 334-9021.

Sincerely,


LaDonna Garcia
Deputy Clerk

LITIGATION PLAN
(Revised Effective 11/17/03)

DATE OF CASE MANAGEMENT CONFERENCE: _____

CASE NO: _____ NATURE OF SUIT: _____

CASE NAME: _____

PARTY SUBMITTING PLAN:

- Plan **has been** stipulated to by all parties.
- Plan **has not been** stipulated to, but is submitted by:

ATTORNEY: _____

REPRESENTING: _____

1. **CASE MANAGEMENT TRACK:** Indicate the track that best fits your case. Designation of a track is not binding but will assist the Court in assessing its workload and selecting a trial date and discovery schedule that meets counsel's needs.

- Expedited Track** - Cases on this track will typically be set for trial approximately 9 to 12 months following the case management conference; take 4 days or less to try; and involve limited discovery.
- Standard Track** - Cases on this track will typically be set for trial approximately 12 to 15 months following the case management conference; and take about 5-10 days to try.
- Complex Track** - Cases on this track will typically be set for trial approximately 15 to 24 months following the case management conference; take 10 days or more to try; involve extensive discovery with staggered discovery schedules; and have extensive expert testimony.
- Legal Track** - Cases that involve legal issues likely to be resolved by motion rather than trial. A motion hearing will be set at the case management conference.

2. **DISPOSITIVE MOTIONS FILING CUT-OFF DATE:** _____

- a. This is the critical event for case management and will dictate when the trial will be set. Unless the case is resolved through dispositive motions, the case will be tried approximately 6 months following this date. Therefore, it is strongly recommended that this cut-off date be set within 3-6 months following the case management conference for an expedited track case, within 6-12 months for a standard track case, and within 9-18 months for a complex track case.

3. **JOINDER OF PARTIES & AMENDMENT OF PLEADINGS CUT-OFF DATE:**

(Not more than 3 months following the Case Management Conference).

4. **ADR PLAN TO BE FILED WITH ADR COORDINATOR BY:** _____
(90 days after the Case Management Conference).

a. The ADR Plan must indicate the form of ADR which will be utilized and the time frame within which it will be completed. Regardless of whether the parties choose mediation, a judicially-supervised settlement conference, or some other form of ADR, the Court strongly encourages the attorneys to schedule ADR early in the proceedings and in advance of the filing of dispositive motions so as to reduce the cost of litigation for their clients. In addition, the trial will be set very soon after the resolution of dispositive motions so that there will be little time to engage in meaningful ADR after that date.

5. **DISCOVERY PLAN PROPOSED. Fed. R. Civ. P. 26(f):** _____

6. **DISCOVERY CUT-OFF DATE:** _____

(15-30 days prior to the dispositive motion cutoff).

a. Counsel may, however, stipulate that after dispositive motions have been decided the parties will engage in additional discovery focused on trial preparation. This may include discovery relating to damage claims and other issues not typically resolved by dispositive motions.

7. **EXPERT TESTIMONY DISCLOSURES: Local Rule 26.2(b)**

a. Plaintiff identify and disclose expert witnesses by: _____
(60 days prior to the discovery cut-off).

b. Defendant identify and disclose experts by: _____
(30 days after Plaintiff's disclosure.)

c. Disclosure of rebuttal experts by: _____

(2 weeks after Defendant's disclosure.)

8. **TRIAL DATE:** The date of the trial and the pretrial conference will be scheduled at a trial scheduling conference following the resolution of dispositive motions and the conclusion of court-supervised ADR.

9. **ESTIMATED LENGTH OF TRIAL:** _____

Jury demanded? _____ Jury demanded by which party? _____

United States District Court
for the
District of Idaho
July 23, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:04-cv-00229

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

Michael O Roe, Esq. 1-208-385-5384
MOFFATT THOMAS BARRETT ROCK & FIELDS
PO Box 829
Boise, ID 83701

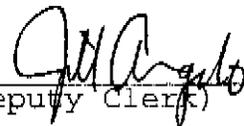
R Wade Curtis, Esq.
BELNAP CURTIS & DROZDA
PO Box 7685
Boise, ID 83701

Chief Judge B. Lynn Winmill
 Judge Edward J. Lodge
 Chief Magistrate Judge Larry M. Boyle
 Magistrate Judge Mikel H. Williams

Visiting Judges:
 Judge David O. Carter
 Judge John C. Coughenour
 Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 7-26-04

BY: 
(Deputy Clerk)