

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

Kimberley Smith, et al, )  
 )  
 Plaintiff, ) CIVIL NO. 01-244-S-BLW  
 )  
 v. )  
 )  
 Micron Electronics, ) 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 May 21, 2003. 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: April 14, 2003

CAMERON S. BURKE, CLERK

By:   
LaDonna Garcia, Deputy Clerk

attachment: litplan

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April 14, 2003

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 is directed to contact all counsel by telephone and select a proposed trial date, complete the Litigation Plan filling in all selections with specific dates. Local Rule 16.1. Counsel shall not file a proposed Plan without making a concerted effort to file a Stipulated Plan.**
- **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,



LaDorna Garcia  
Deputy Clerk

## LITIGATION PLAN

CASE NO. \_\_\_\_\_ NATURE OF SUIT: \_\_\_\_\_

CASE NAME: \_\_\_\_\_

ASSIGNED JUDGE: B. LYNN WINMILL

PARTY SUBMITTING PLAN:

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

ATTORNEY: \_\_\_\_\_

REPRESENTING: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

1. **TRIAL DATE:** \_\_\_\_\_  
(Select a trial date from the Court's available trial dates listed on next page.)
2. **TRIAL 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 get a trial date in 6 to 9 months; take 4 days or less to try; and involve limited discovery.
  - Standard Track** - Cases on this track will get a trial date in 12 months; and take about 5-10 days to try.
  - Complex Track** - Cases on this track will get a trial date in 12-18 months; 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, but no trial date will be set until it is clear that the case cannot be resolved by motion.
3. **ESTIMATED LENGTH OF TRIAL:** \_\_\_\_\_  
Jury demanded? \_\_\_\_\_ Jury demanded by which party? \_\_\_\_\_
4. **PRETRIAL CONFERENCE DATE:** \_\_\_\_\_ (To be set by the Court)
5. **JOINDER OF PARTIES & AMENDMENT OF PLEADINGS CUT-OFF DATE:** \_\_\_\_\_  
(No more than 3 months following the Scheduling Conference.)
6. **DISPOSITIVE MOTIONS FILING CUT-OFF DATE:** \_\_\_\_\_ (It is recommended that if expert testimony is critical to a dispositive motion, then the dispositive motion deadline be set after disclosure of rebuttal experts).

7. **DISCOVERY CUT-OFF DATE:** \_\_\_\_\_  
(At least 60 days prior to trial, but counsel may agree to close discovery prior to dispositive motion cut-off.)

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

Plaintiff identify and disclose expert witnesses by: \_\_\_\_\_  
(120 days prior to scheduled trial date.)

Defendant identify and disclose experts by: \_\_\_\_\_  
(1 month after Plaintiff's disclosure.)

Disclosure of rebuttal experts by: \_\_\_\_\_  
(2 weeks after Defendant's disclosure.)

9. **DISCOVERY PLAN PROPOSED. Fed. R. Civ. P. 26(f):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. **ADR CONFERENCE:** \_\_\_\_\_ (To be set by the Court) \_\_\_\_\_ The ADR Conference will be set 4-6 months after the Scheduling Conference. At the ADR Conference, Counsel and their clients will be required to appear in person before the Court to discuss the appropriateness of scheduling this matter for mediation, a judicially-supervised settlement conference, or some other form of ADR. The ADR Conference will be vacated if Counsel file with the Court a stipulated ADR plan at least 10 days before the Conference.

**AVAILABLE TRIAL DATES: BOISE**

June 16, 2003  
July 14, 2003

February 23, 2004  
March 22, 2004  
April 19, 2004  
May 17, 2004  
July 12, 2004  
August 9, 2004  
November 1, 2004  
November 29, 2004

United States District Court  
for the  
District of Idaho  
April 14, 2003

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 1:01-cv-00244

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

William H Thomas, Esq. 1-208-345-7894  
HUNTLEY PARK THOMAS BURKETT OLSEN & WILLIAMS  
PO Box 2188  
Boise, ID 83701-2188

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HUNTLEY PARK THOMAS BURKETT OLSEN & WILLIAMS  
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Kim J Dockstader, Esq. 1-208-389-9040  
STOEL RIVES  
101 S Capitol Blvd #1900  
Boise, ID 83702-5958

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: 4-14-03

BY:   
(Deputy Clerk)