

FILED FEB 27 2004
FEDERAL DISTRICT COURT
BOISE, IDAHO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

CHRIS J. DENNISON,)
)
 Plaintiff,)
)
 v.)
)
 CONTINENTAL CASUALTY COMPANY, et al.,)
)
 Defendants.)
 _____)

Case No. CV 02-507-S-LMB

SCHEDULING ORDER

Pursuant to the status conference held with the Court and counsel for the parties on February 25, 2004, and in the interest of expedient resolution,

IT IS HEREBY ORDERED:

1. A three-day court trial is hereby set to commence at 9:00 A.M. at the United States Courthouse in Boise, Idaho on February 28, 2005.
2. Plaintiff shall disclose all expert witness(es) by May 28, 2004. See Fed.R.Civ.P. 26 and Local Rule 26.2.
3. Defendant shall disclose all expert witness(es) by June 25, 2004. See Fed.R.Civ.P. 26 and Local Rule 26.2.

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4. All rebuttal expert witnesses shall be disclosed and all discovery relevant to expert witnesses shall be completed by July 23, 2004. See Fed.R.Civ.P. 26 and Local Rule 26.2.

5. All factual discovery in this matter shall be completed by August 27, 2004. See Fed.R.Civ.P. 26(f), 37(a)(B) and Local Rule 37.1 and 37.2 regarding discovery disputes.

6. All dispositive pretrial motions and supporting documents shall be filed by September 24, 2004. See D. Idaho L. Civ. R. 7.1 regarding motion practice.

7. A pre-trial conference shall be held at the United States Courthouse in Boise, Idaho on February 14, 2005 at 10:00 A.M.. Not less than twenty (20) days prior to the date of the pre-trial conference, the parties shall communicate and discuss those items contained in Local Rule 16.3 and shall attempt to reach a stipulation as to the admissibility of exhibits and shall be prepared to advise the Court at the pre-trial conference of any agreements reached.

8. Not later than fourteen (14) days before trial, pursuant to Local Rule 16.3, counsel shall serve on all parties:

(A) Exhibits and Exhibit List. Plaintiff's exhibits should be numbered and listed starting with "1". Defendant's exhibits should be lettered and listed starting with "A". One copy of each exhibit shall be provided to opposing counsel. A sample exhibit list is attached. The exhibit list should identify any stipulations reached by counsel as to admissibility.

Impeachment exhibits shall be marked, sealed and delivered only to the Court as set forth hereinbelow.

(B) Depositions. One copy of any deposition to be offered as substantive evidence, with those portions sought to be admitted underlined. (Not applicable to depositions used to

refresh recollection or for impeachment.)

(C) Witness List. List all witnesses to be called, showing name, address and occupation, together with a brief statement setting forth the full substance of the anticipated testimony. Also give a time estimate for the direct testimony of each witness. (Sample witness list attached.)

Names and statements of impeachment witnesses shall be sealed and delivered only to the Court as set forth hereinbelow. See Fed.R.Civ.P. 26.

(D) Itemized List of Special Damages, if any.

Each item above should be a separate document; do not combine documents.

9. Not later than fourteen (14) days before trial, counsel shall provide to the Court a copy of the written statement or report of each expert witness expected to testify at trial, which was prepared and served in conformance with Local Rule 26.2.

10. Not later than fourteen (14) days before trial, each party shall serve and file (original to clerk and copy to the Court) a trial memorandum pursuant to Local Rule 16.3.

11. Not later than fourteen (14) days before trial, the parties shall submit to the Court proposed Findings of Fact and Conclusions of Law, including any stipulated Findings of Fact and Conclusions of Law. Attach an index directing the Court's attention to the evidence that will support the proposed Findings of Fact or Conclusions of Law. A stipulation of all non-contested issues should accompany these documents.

12. On or before the last business day before trial, the parties shall submit all original exhibits, exhibit lists and witness lists to the U.S. Courthouse in Boise, Idaho. Impeachment

exhibits will be sealed and listed on the exhibit list as "impeachment exhibit(s)." Names and statements of impeachment witnesses will be sealed and delivered to the court *in camera*.

In addition to the original exhibit, two copies of each exhibit shall be provided to the Court in separate three ring binders, with each exhibit being tabbed with the appropriate letter or number.

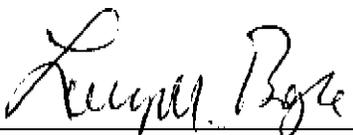
A descriptive list of all exhibits proposed to be offered into evidence shall be provided to the Court. The list shall recite which exhibits have been stipulated to, which exhibits shall be received into evidence without objection and those to which no objection will be made on grounds other than irrelevancy or immateriality.

In addition to the witness list, a proposed witness schedule shall be submitted *in camera* for each day's anticipated testimony (see attached form).

13. Except for good cause shown, no exhibit(s) or testimony will be received in evidence at trial unless presented in accordance with this order.

14. This matter is referred to the ADR Coordinator, who shall contact the parties regarding selection of a mediator and scheduling of this matter for mediation.

DATED this 27th day of February, 2004.



LARRY M. BOYLE
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

(PLAINTIFF'S/DEFENDANT'S) WITNESS LIST

v.

Case Number: _____

Presiding Judge: HON LARRY BOYLE	Plaintiff's Attorney:	Defendant's Attorney:
Trial Date:	Court Reporter/Recorder:	Courtroom Deputy: LYNETTE CASE

NAME	ADDRESS & PHONE NUMBER	OCCUPATION	ESTIMATE OF TIME FOR DIRECT EXAM	SUBSTANCE OF TESTIMONY
John Doe	P.O. Box 1234 Boise, ID 83724 208-334-9010	Security Employee	1 hour	Testify to the knowledge of conduct of other individuals similar to that of the plaintiffs.
Jane Doe	550 W Fort St Boise, ID 83724 208-334-1361	Economist	2 hours	Testify to economic damages

PLAINTIFFS' TENTATIVE WITNESS SCHEDULE
 As of December 11, 1995

Dec. 11	Dec. 12	Dec. 13	Dec. 14	Dec. 15
Katmer - SJB - 45 min. David - DEB - 45 min. French - SJB - 60 min. Flynn - SJB - 45 min.	Completing Flynn Permann - SJB - 30 min. Seitz - DEB - 45 min. Dance - SJB - 90 min.	Ings - SJB - 15 min. Toos - SJB - 15 min. Fjorner - SJB - 45 min. Tjylor - SJB - 30 min. Hansen - SJB - 90 min	Completing Hansen. Hopfinger Deposition - DEB - 15 min Handra - DEB - 60 min. Szabo - SJB - 45 min.	McKenna - SJB - 45 min
Dec. 18	Dec. 19	Dec. 20	Dec. 21	Dec. 22
Waddoups - DEB - 60 min. Hadlock - SJB - 45 min. Dean - DEB - 45 min. Ford - SJB - 90 min.	Completing Ford Kelly - DEB - 15 min. Christensen - DEB - 15 min. Hofman - DEB - 3.5 hours	Completing Hofman		

United States District Court
for the
District of Idaho
February 27, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:02-cv-00507

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

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____ 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:

2.27-04

BY:

CM

(Deputy Clerk)