

U.S. COURTS
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 REC'D FILED
 CAMERON S. BURKE
 CLERK IDAHO

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF IDAHO

HOLM CONSTRUCTION, INC.,)	
)	
Plaintiff(s),)	Case No. CV 03-273-E-LMB
)	
v.)	ORDER RE: TELEPHONE
)	SCHEDULING CONFERENCE
DESERT SAGE CONTRACTORS, INC., et al.,)	
)	
Defendant(s).)	
_____)	

IT IS HEREBY ORDERED that a telephone scheduling conference in the above-entitled action shall be held on **October 8, 2003** at **10:00 a.m.** (Mountain Time) before the Honorable Larry M. Boyle, Chief United States Magistrate Judge. Counsel for Plaintiff shall initiate the conference call (with all parties being represented) to Chambers at 208-334-1495.

Pursuant to D. Idaho L. Civ. R. 16.1, at least twenty-one (21) days prior to the scheduling conference, the parties shall confer and discuss the items contained on the Scheduling Conference Form/Litigation Plan (see attached). The Scheduling Conference Form/Litigation Plan shall be filed with the Clerk of Court on or before **October 1, 2003**.

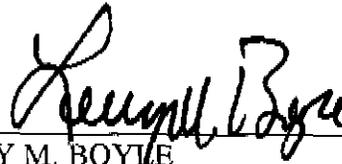
Pursuant to Federal Rules of Civil Procedure 26 and Local Rule 16.1, fourteen (14) days after the parties have conferred on the Scheduling Conference Form/Litigation Plan, counsel

must make their initial disclosures.

On or before **October 1, 2003**, the parties must advise the Court if they wish to proceed before a Magistrate Judge by signing and returning the Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction and Requirement for Consent (see attached). If the parties do not wish to proceed before a Magistrate Judge, they must advise the Clerk of Court in writing and this matter will then be reassigned to a District Judge.

Plaintiff shall be responsible for serving this Notice of Scheduling Conference on any party not represented on the attached Clerk's Certificate of Mailing.

DATED this 21st day of July, 2003.



LARRY M. BOYTE
CHIEF MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

)	
)	CASE NO. _____
)	
PLAINTIFF,)	NOTICE OF AVAILABILITY OF A
vs.)	UNITED STATES MAGISTRATE JUDGE
)	TO EXERCISE JURISDICTION
)	AND REQUIREMENT FOR CONSENT
)	
DEFENDANT.)	
)	
)	

In accordance with United States District Court for the District of Idaho General Order #159, and Fed.R.Civ.P. 73, you are notified that a United States Magistrate Judge of this district court is available to conduct any or all proceedings in this case, including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a United States Magistrate Judge is available only if all parties file a written consent, a copy of which is included in this notice.

You may without adverse substantive consequences withhold your consent. No judge shall be informed of a party's response to the clerk's notification, unless all parties have consented to the referral of the matter to a United States Magistrate Judge. The decision of the parties shall be communicated to the Clerk of Court.

An appeal from a judgment entered by a United States Magistrate Judge will be directly to the United States Circuit Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of this district. 28 U.S.C. § 636(c); Fed.R.Civ.P. 73.

If you wish to consent to this matter being handled by a United States Magistrate Judge, please sign this form and return it to the address at the bottom of this form. If all parties do not consent to the exercise of jurisdiction by a United States Magistrate Judge prior to the Rule 16.1 Scheduling Conference, this matter will not be reassigned.

**NOTE: All consents and requests for reassignment should be sent to:
Jeanie Loera, Deputy Clerk, U.S. District Court, 550 West Fort Street, Boise, ID 83724.**

CAMERON S. BURKE, CLERK OF COURT

By Deputy Clerk

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented	Signature	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

SCHEDULING CONFERENCE FORM/LITIGATION PLAN

CASE #: _____ NATURE OF SUIT: _____

CASE NAME: _____

ASSIGNED JUDGE: United States Magistrate Judge Larry M. Boyle

PARTY BEING REPRESENTED: _____
 plaintiff defendant parties have stipulated to the following dates

PLAINTIFF'S ATTORNEY: _____
ADDRESS: _____
TELEPHONE: _____

DEFENDANT'S ATTORNEY: _____
ADDRESS: _____
TELEPHONE: _____

PROPOSED DATES:

1. JOINDER OF PARTIES/AMENDMENT OF PLEADINGS: _____
2. EXPERT TESTIMONY DISCLOSURES: (Local Rule 26.2(b))
Plaintiff identify and disclose expert reports by: _____
Defendant identify and disclose expert reports by: _____
All discovery relevant to experts shall be completed by: _____
3. FACTUAL DISCOVERY CUT-OFF DATE: (150 days prior to trial) _____
4. DISPOSITIVE MOTIONS FILING CUT-OFF DATE: (120 days prior to trial) _____
5. ESTIMATED LENGTH OF TRIAL: _____
 Jury Court
6. TRIAL DATE: _____
(Enter proposed trial date(s) - actual trial date will be determined by the Court at the scheduling conference.)

ALTERNATE DISPUTE RESOLUTION OPTIONS - (CHECK PREFERENCE)

- MEDIATION (General Order No. 130) (Local Rule 16.5)
- ARBITRATION (General Order No. 92) (Local Rule 16.5)
- SETTLEMENT CONFERENCE (Local Rule 16.4)

This Scheduling Conference/Litigation Form is to be filled out and filed with the Court prior to the scheduling conference.

United States District Court
for the
District of Idaho
July 22, 2003

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 4:03-cv-00273

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

Stephen J Blaser, Esq. 1-208-785-7080
BLASER SORENSEN & HANSEN
PO Box 1047
Blackfoot, ID 83221

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: 7-22-03

BY: WM
(Deputy Clerk)