

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MARK E. SCHELL,)	
)	
Plaintiff,)	
vs.)	NO. CIV-19-0281-HE
)	
NOMA CURICH, Chief Justice of the)	<u>TRIAL DOCKET: JULY, 2020</u>
Oklahoma Supreme Court, et al.,)	
)	
Defendants.)	

SCHEDULING ORDER

Dated: January 8, 2020

Judge Joe Heaton, Presiding

Deputy Clerk: Lisa Minter

Appearing for plaintiff(s): Charles Robers, Esq.,

Appearing for defendant(s): Heather Hintz, Esq., Michael Burrage, Esq.,
Thomas Wolfe, Esq., Kieran Maye, Esq., and Leslie Maye, Esq.,

JURY TRIAL DEMANDED - **NON-JURY TRIAL**

THE FOLLOWING DEADLINES ARE SET BY THE COURT:

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| <ol style="list-style-type: none"> 1. Motions to join additional parties to be filed <u>30 days from today</u>; 2. Motions to amend pleadings to be filed <u>30 days from today</u>. 3. Plaintiff(s) to file a final list of expert witness(es) in chief and submit expert reports to defendant(s) by <u>02/15/2020</u>.* Defendant(s) to file a final list of expert witness(es) in chief and submit expert reports to plaintiff(s) by <u>03/01/2020</u>. 4. Plaintiff(s) to file a final list of witness(es) together with addresses and brief summary of expected testimony where a witness has not already been deposed by <u>03/01/2020</u>.* | <ol style="list-style-type: none"> 5. Plaintiff(s) to file a final exhibit list by: <u>03/01/2020</u>.* Defendant(s) to file objections to plaintiff(s) final exhibit list, under Fed.R.Civ.P. 26(a)(3)(B) by <u>03/15/2020</u>. <p>Defendant(s) to file a final exhibit list and any exhibits not previously submitted by <u>04/01/2020</u>.* Plaintiff(s) to file objections to defendant(s) final exhibit list, under Fed.R.Civ.P. 26(2)(3)(B) by <u>04/15/2020</u>.</p> <p>*The listing of witnesses and exhibits shall be separately state those expected to be called or used and those which may be called or used if the need arises. Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such</p> |
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Defendant(s) to file a final list of witnesses (as described above) 03/15/2020.*

witness or exhibit was included in the party's filed witness or exhibit list.

- 6. Discovery to be completed by 04/01/2020.
- 7. All dispositive and *Daubert* motions to be filed by 04/15/2020.

- 11. Requested voir dire to be filed by n/a.
- 12. Trial briefs (optional unless otherwise ordered) to be filed by 06/15/2020.

If the deadline for dispositive motions and *Daubert* motions precedes the discovery deadline, the parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.

- 13. Requested jury instructions to be filed on or before n/a.
- 14. Proposed findings and conclusions of law are to be filed not later than 06/15/2020.***

8. **TRIAL DOCKET SET: JULY, 2020.****

*****In addition to filing, the parties are encouraged, but not required, to submit their proposed jury instructions or findings and conclusions of law in Microsoft Word Format to the Clerk, via the court's designated mail box at heaton-orders@okwd.uscourts.gov.**

****Trial dockets generally begin the second Tuesday of each month. However, this practice varies, particularly during holidays. The setting or sequence of trials in both criminal and civil cases is ordinarily determined at docket call.**

- 15. Responses to motions in limine shall be filed within **fourteen (14) days**. Any objections or response to the trial submissions referenced above in ¶ 11, ¶12, ¶13 and/or ¶ 14 shall be filed within **seven (7) days**.

The interval between the dispositive motion deadline (¶ 6) and trial docket (¶ 7) is relatively inflexible. An extension of time to file or respond to a motion for summary judgment will likely affect the trial setting.

- 9. Designations of deposition testimony to be used at trial to be filed by 06/01/2020. Objections and counter designations to be filed by 06/15/2020.
- 10. Motions in limine to be filed by 06/15/2020.

- 16. The **Final Joint Pretrial Report**, approved by all counsel, and in full compliance with Local Rules (See Appendix IV), together with a proposed order approving the report, to be submitted to the court by 06/15/2020.

17. This case is referred to ADR:

- By agreement of the parties, with the approval of the court:
 - By order of the court:
 - Mediation;
 - Judicial Settlement Conference; or
 - Other: _____.

18. If the case is referred to mediation, the process shall be completed and a report filed with the court by the parties, stating whether the case settled, not later than _____.

19. Notwithstanding LCvR16(a), this case will not be automatically set for judicial settlement conference. The court will, however ordinarily order such a conference if the parties file a joint motion requesting same within **seven (7) days** after the trial docket is published. The motion shall provide reasons justifying the commitment of court resources to the settlement process and shall describe the efforts of the parties to effect an agreed resolution of the case by direct discussions or otherwise. The court may order such a conference upon the motion of a single party filed within that time period, but any such motion must make a particularly strong showing of the need for judicial conference and shall state why a joint motion has not been made.

20. The parties consent to trial by United States Magistrate Judge.

21. Initial disclosures pursuant to Fed.R.Civ.P. 26 have been: made; are excused; or shall be made not later than _____.

22. Other: _____.

Dated this 8th day of January, 2020.

**BY ORDER OF THE COURT
CARMELITA REEDER SHINN, CLERK OF COURT
WESTERN DISTRICT OF OKLAHOMA**

By: s/Lisa Minter
Deputy Clerk

Copy to all parties