

IN THE IOWA DISTRICT COURT OF LINN COUNTY

<p>LANDLORDS OF LINN, et al., Plaintiff(s),</p> <p>vs.</p> <p>CITY OF CEDAR RAPIDS, Defendant(s).</p>	<p>Civil Case No. EQCV069920</p> <p>TRIAL SCHEDULING ORDER</p> <p>REQUIRED INFORMATION:</p> <p>Date Petition filed: 7/29/2010</p> <p>Case type: Civil <input type="checkbox"/> Equity <input checked="" type="checkbox"/> PCR <input type="checkbox"/> Judicial Review <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Trial type: Jury <input type="checkbox"/> Non-Jury <input checked="" type="checkbox"/></p> <p>Expected trial length 1 day</p> <p>The amount in controversy exceeds \$10,000. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
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APPEARANCES:

Plaintiff(s): Bill Roerman

Defendant(s): Mo Sheronick

IT IS ORDERED:

1. **TRIAL.** Trial of this case is set for January 4, 2012, at 9:00 a.m. before a judge of this court.
2. **PRE-TRIAL CONFERENCE.**
 - A pre-trial conference shall be held on , at . m. The conference may be held telephonically with prior approval of the court.
 - A pre-trial conference shall be held upon request.
3. **NEW PARTIES.** No new parties may be added later than 180 days before trial or .
4. **TRANSCRIPTS AND RECORDS.** All required agency records or prior criminal transcripts shall be filed within 30 days of the date of this order or by .
5. **PLEADINGS.** Pleadings shall be closed 60 days before trial or November 4, 2011.
6. **DISCOVERY.** All written discovery shall be served no later than 90 days before trial. All depositions shall be completed no later than 60 days before trial. Or, all discovery shall be completed by November 4, 2011.
 - No discovery of electronically stored information is expected in this case.
 - The parties have conferred about discovery of electronically stored information and reached agreement as set out in Exhibit A attached.
 - The parties have conferred about discovery of electronically stored information and have been unable to reach agreement. A hearing is set at .m. at the County Courthouse,
7. **EXPERT WITNESSES.**
 - a. A party who intends to call an expert witness, including rebuttal expert witnesses, shall certify to the Court and all other parties the expert's name, subject matter of expertise and qualifications, within the following time period, unless the Iowa Code requires an earlier designation date (*See, e.g.*, Iowa Code § 668.11):
 - (1) Plaintiff: **210** days before trial.

- (2) Defendant/Third-Party Plaintiff: **150** days before trial.
- (3) Third-Party Defendant/Others/Rebuttal: **90** days before trial.

b. This section does not apply to Court appointed experts.

(The deadlines listed in paragraphs five (5), six (6), and seven (7) may be amended, without further leave of court, by filing a Stipulated Amendment to Scheduling Order with the clerk listing the dates agreed upon and signed by all counsel and self-represented litigants. Such an Amendment shall not serve as a basis for a continuance of the trial date or affect the date for pre-trial submissions.)

8. PRE-TRIAL SUBMISSIONS. At least ten (10) days before trial, counsel for the parties and self-represented litigants shall:

- a. File a **witness and exhibit list** with the clerk, serve a copy on opposing counsel and self-represented litigants and exchange exhibits. Rules governing exhibits and exhibit lists:
 - (1) Plaintiff shall use numbers and Defendant shall use letters. Pre-trial exhibit lists shall identify each exhibit by letter or number and description. Exhibits shall be marked by counsel before trial.
 - (2) Immediately before commencement of trial, the Court shall be provided with a bench copy, and the reporter with a second copy, of the final exhibit list, for use in recording the admission of evidence.
 - (3) In non-jury cases, immediately before commencement of trial, the Court shall be provided with a bench copy of all exhibits identified on the exhibit lists.
 - (4) Within (five) 5 days after the filing of an exhibit list, counsel and self-represented litigants shall file with the clerk, and serve on each party, any identification, authentication, and foundation objections to the exhibits listed; otherwise such objections shall be deemed **WAIVED** for trial purposes.
- b. File with the clerk, and deliver to the Trial Judge Court Administrator, **Motions In Limine**, with supporting legal authority.
- c. File with the clerk, and deliver to the Trial Judge Court Administrator, all **proposed jury instructions** in a form to be presented to the jury, including a statement of the case, the stock jury instruction numbers and verdict forms. (The Court shall be provided the instructions in written form and by either E-mail attachment; USB Thumb drive download; or on CD-ROM with MS Word compatible format.)
- d. Deliver to the Trial Judge Court Administrator and opposing counsel/self-represented litigants a concise **trial brief** addressing factual, legal and evidentiary issues, with citation to legal authorities.

9. MOTIONS. All motions including motions for summary judgment and except motions in limine, shall be filed with the clerk of court's office at least sixty (60) days before trial, with copies to the assigned judge.

10. SETTLEMENT CONFERENCE.

- A settlement conference shall be held on _____, at _____ m. All parties with authority to settle must be present.
- A settlement conference may be held upon request.

The parties are encouraged to consider alternative dispute resolution including private mediation or arbitration.

11. SETTLEMENTS. The parties shall have the responsibility of immediately notifying the court administrator of settlement.

12. **LATE SETTLEMENT FEES.** Late settlement fees under Iowa Rule of Civil Procedure 1.909 are applicable.
13. **CONTINUANCES.** Continuances are discouraged and shall only be granted for good cause. Motions to continue are governed by Iowa Rule of Civil Procedure 1.910. In the event the trial date is continued, all time deadlines in this order and stipulated amendments shall remain in effect relative to the new trial date unless the court approves new deadlines.
14. **NOTICE.** A failure to comply with any of the provisions of this order or an amendment to scheduling order may result in sanctions being imposed by the court pursuant to Iowa Rule of Civil Procedure 1.602(5) including limitation and exclusion of evidence and witnesses and payment of costs or attorney fees. The original of this order shall be filed at the time the trial date is obtained. The court shall resolve disputes regarding oral agreements on scheduling by reference to this scheduling order or any written amendments to this order.

Dated January 4, 2011

KELLEE R. CORTEZ
District Court Administrator or Designee
Sixth Judicial District of Iowa

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Original filed with the Clerk of Court
Copies to: counsel of record/self-represented litigants

For questions regarding documents filed with the court in this case, please see [www.judicial.state.ia.us/Online Court Services/Online Docket Record/](http://www.judicial.state.ia.us/Online_Court_Services/Online_Docket_Record/) or call the Clerk's Office.

If you or your client requires the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your ADA Coordinator at (319) 398-3920 Ext 1100.
If you or your client is hearing impaired: call Relay Iowa TTY at 1-800-735-2942.

Rule 23.5 — Form 2: *Trial Scheduling Order.*

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