STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

BRANCH 3

     ,

Plaintiff(s),

vs

**SCHEDULING ORDER**

Case No.

     ,

Defendant(s).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A scheduling conference in the above-entitled action was held on       before the Honorable Ralph M. Ramirez with:

No other appearances.

IT IS ORDERED:

1. Plaintiff shall pay the jury fee or give written notification of non-payment no later than      ; defendant shall pay the jury fee or give written notification of non-payment no later than      . The jury shall be waived if the fees are not timely paid. The trial date shall be scheduled at the pretrial conference.

2. Amended pleadings and/or the addition of parties shall be accomplished no later than      . In the event that a party is added and the appropriate fee paid, a copy of this scheduling order along with any additional pleading shall be served on the added party(s).

3. The parties shall provide in writing to the court and the opposing parties: (1) the names and addresses of all lay witnesses along with a brief statement as to his/her testimony; (2) the names, addresses, and resumes for each expert named with a written report; and (3) an itemized statement of damages claimed, including, if applicable, any special damage claims and permanency no later than       by plaintiff; no later than       by defendant, and no later than       by a third party or any rebuttal expert witness with written report. Witnesses not timely named and described shall not be called as witnesses at trial, except for good cause shown.

4. Copies of all documents to be used at trial and all other relevant reports must be made available to and given to the opposing party no later than 30 days prior to the pretrial conference. DO NOT FILE WITH THE COURT.

5. Summary judgment and other dispositive pretrial motions must be **FILED** no later than      . The following deadlines shall apply regarding scheduling of such a motion and filing of briefs, affidavit(s), or other supporting documents:

 A. statutory deadlines per §802.08(2) for summary judgment motions;

 X B. movant shall obtain a date set not less than 45 days from filing of the motion and supporting documents; responding party has 30 days from service of the movant’s motion and supporting documents to serve and file a response brief and supporting documents, or waiver in writing; movant has 7 days from service of a response brief and supporting documents to serve and file a reply brief limited to matters in response brief; or

 C. Other:

**COURTESY COPIES OF ALL SUMMARY JUDGMENTS, DISPOSITIVE MOTIONS & BRIEFS – if in excess of 10 pages – MUST BE DELIVERED – not filed – TO THE COURT’S CLERK IN ROOM 167, either by First-Class Mail or hand-delivery the same day that the document is efiled. Please note that it is a “Courtesy Copy” on each document.**

6. Any motion pursuant to Wis. Stats. § 901.04 to allow (out of the ordinary experts) or challenge the admission of expert testimony must be filed at least 30 days before the final pretrial date set herein unless a stipulation is filed by the parties which resolves such issues. The motion must be accompanied by an offer of proof and a written basis.

7. Discovery shall be completed by all parties no later than      . In the event the above-entitled action is rescheduled from its original trial date, **discovery is not reopened without permission of the court**. Any motion to compel discovery shall not be

heard unless accompanied by a statement in writing by the moving party that after consultation with the opposing party and sincere attempts to resolve their differences, the parties are unable to reach an agreement. Any information obtained by an expert witness that supplements their original report shall be turned over to opposing counsel if intended to be used at trial per §804.01(5)(c).

8. Mediation/Settlement Alternative is ordered by the court. The court appoints       as default mediator. Fees shall be divided equally between the parties unless otherwise ordered by the court. The parties and their attorneys shall be personally present or readily available by phone and shall participate. Each corporate party must be represented by an individual with the authority to negotiate a resolution in this matter. In the event a party appears without full authority to negotiate a resolution, the party may be ordered to pay all costs of the mediation/settlement alternative.

Mediation/Settlement Alternative shall be completed no later than 15 days prior to the Final Pretrial Conference unless otherwise approved by the court.

9. **A final pretrial conference will be set with accordance with the Meet and Confirm Order Regarding Scheduling**. The attorney(s) who will actually try the case must be present. The party must also personally appear unless the attorney has full authority to act for the party. If the party cannot be personally present, the party must be reasonably available by phone. The parties shall be prepared to discuss the scheduling of any evidentiary depositions for use at trial, as well as the order of witnesses and the exchange of any final trial exhibits.

10. **Pretrial Reports**: Each party shall file with the court a pretrial report no later than 10 days prior to the pretrial conference. The report must be signed by the attorney who will try the case or a party personally if not represented by an attorney.

The pretrial report shall include the following:

A. A detailed summary of the facts of the case, issues, theories of liability or defense, and evidentiary issues. The summary should not exceed three pages.

B. Identification of each trial witness and a specific summary not exceeding one page per witness of the testimony of each lay and expert witness.

C. A list of all proposed stipulated facts.

D. Identification of each exhibit (except those to be used for impeachment only), including any objections (and the grounds therefor) regarding the admissibility of the other party’s exhibits.

E. An estimate of the probable length of the trial in half-day increments.

F. Designation of all depositions or portions thereof to be read into the record at trial as substantive evidence, unless used only for impeachment purposes.

G. **If a jury trial**, provide: (a) all proposed jury instructions, numbers only unless requesting modified or special instructions; (b) proposed special verdict form and (c) motion(s) in limine. A date to hear the motion(s) in limine will be set at the time of the pretrial conference.

H. **If a court/bench trial**, provide: proposed findings of fact and conclusions of law.

I. Certification that alternative dispute resolution occurred.

J. In addition to completing a report, parties are expected to confer and make a good faith effort to settle the case. Parties are also expected to arrive at stipulations that will save time during the trial. The pretrial report shall itemize any stipulations.

11. Copies of non-Wisconsin authorities cited in any brief (or letter briefs) need not be filed with the Clerk of Court as required under Local Rule 3.3. Instead, counsel may provide the Court with viable links to the non-Wisconsin (Wisconsin reporter) authorities.

12. The parties may stipulate to an extension of time limits in this order that will not affect dispositive motions or the pretrial conference date. Other stipulations must be approved by the court.

13.

**FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER SHALL BE CONSIDERED CAUSE FOR IMPOSING SANCTIONS THAT MAY INCLUDE THE DISMISSAL OF CLAIMS AND DEFENSES, EXCLUSION OF WITNESSES OR EVIDENCE, OR ASSESSMENT OF ATTORNEY FEES.**

Waukesha County Courthouse, Room C167

515 W. Moreland Blvd., P.O. Box 1627 Nicole, Legal Clerk, (262) 548-7543

Waukesha, WI 53187-1627 McKenzie, Deputy Clerk, (262) 548-7569