

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

ST. LUKE'S HEALTH SYSTEM LTC,  
et al,

Plaintiff,

vs.

DIEGO RODRIGUEZ,

Defendant.

Case No. CV01-22-6789

STIPULATION FOR SCHEDULING  
AND PLANNING

The above parties hereby stipulate to the following scheduling deadlines:

**A. EXPERT WITNESSES**

**(Plaintiff's experts—retained or non-retained)**

1. 150 days (**at least 120**) before trial, plaintiff shall disclose each person plaintiff intends to call as an expert witness at trial and state the subject matter on which the witness is expected to testify.

2. 150 days (**at least 120**) before trial, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.

3. 90 days before trial, defendant shall complete any depositions of the plaintiff's initial expert witnesses.

**(Defendant's experts—retained or non-retained)**

4. 120 days (**at least 95**) before trial, defendant shall disclose each person defendant intends to call as an expert witness at trial and state the subject matter on which the witness is expected to testify.

5. 120 days (**at least 95**) before trial, defendant shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding expert witnesses.

6. 50 days before trial, plaintiff shall complete any depositions of the defendant's expert witnesses.

**(Plaintiff's rebuttal experts—retained or non-retained)**

7. 90 days before trial, plaintiff shall disclose each person plaintiff intends to call as an expert witness at trial to rebut new information or issues disclosed or raised by the defendant.

8. 90 days (**at least 42**) before trial, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding the rebuttal expert witnesses.

9. 40 days before trial, defendant shall complete any depositions of the plaintiff's rebuttal expert witnesses.

**(Defendant's rebuttal experts—retained or non-retained)**

7. 60 days before trial, defendant shall disclose each person defendant intends to call as an expert witness at trial to rebut new information or issues disclosed or raised by the plaintiff in rebuttal.

8. 60 days (**at least 30**) before trial, defendant shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure regarding its rebuttal expert witnesses.

9. 40 days before trial, plaintiff shall complete any depositions of the defendant's rebuttal expert witnesses.

**B. LAY WITNESSES**

1. 60 days (**at least 60**) before trial, plaintiff shall disclose each person plaintiff intends to call as a lay witness at trial (excluding impeachment witnesses).

2. 60 days (**at least 53**) before trial, defendant shall disclose each person defendant intends to call as a lay witness at trial (excluding impeachment witnesses).

3. 45 days (**at least 42**) before trial, plaintiff shall disclose each lay witness (excluding impeachment witnesses) plaintiff intends to call at trial to rebut new information or issues disclosed or raised by the defendant.

4. 45 days (**at least 35**) before trial, defendant shall disclose each lay witness (excluding impeachment witnesses) plaintiff intends to call at trial to rebut new information or issues disclosed or raised by the defendant.

5. 30 days before trial, all parties shall complete any depositions of lay witnesses.

### **C. DEADLINES FOR INITIATING DISCOVERY**

1. 80 days (**at least 70**) before trial is the last day for serving interrogatories, requests for production, requests to permit entry upon land or other property, and requests for admission.

2. 80 days (**at least 70**) before trial is the last day for filing motions for a physical or mental examination.

### **D. DEADLINE FOR SUPPLEMENTAL RESPONSES TO DISCOVERY**

42 days (**at least 42**) before trial, all parties must serve any supplemental response to discovery required by Rule 26(e) of the Idaho Rules of Civil Procedure or seek leave from the Court showing good cause for a late disclosure.

### **E. STIPULATIONS TO ALTER DISCOVERY DEADLINES**

The parties may alter any discovery deadline by written agreement without the necessity of obtaining a court order.

### **F. PRETRIAL MOTIONS**

1. 120 days (**at least 120**) before trial is the last day to file motions to add additional parties to the lawsuit.

2. 120 days (**at least 120**) before trial is the last day to file a motion to amend the claims between existing parties to the lawsuit, including to add a claim for punitive damages.

3. All other non-dispositive pretrial motions (excluding motions in limine) must be **filed at least forty-five (45) days and heard at least thirty (30) days before trial.**

4. All motions in limine must be **filed before the pretrial conference which is at least thirty (30) days before trial and heard at least fourteen (14) days** before the trial date, or good cause must be shown why such motions were not filed within this timeframe.

### **G. MOTIONS FOR SUMMARY JUDGMENT OR OTHER DISPOSITIVE MOTIONS**

All motions for summary judgment or other dispositive motions must be filed at least **ninety (90) days** and heard at least **sixty (60) days** before trial as is required by I.R.C.P. 56.

**H. JOINT STATUS REPORT:** The parties shall **jointly file** a brief status report between **120 days and 130 days** before trial addressing the conduct of discovery, whether mediation is scheduled, and/or requesting a Rule 16 conference if it appears there could be an issue that may delay the scheduled trial date.

**I. TRIAL SETTING**

1. This case can be set for a trial to commence on or after June 19, 2023. **(The case must be concluded within 18 months from the date the complaint was filed pursuant to Idaho Court Administrative Rule 57.)**

2. It is estimated the trial will take 10 days.

3. This case is to be tried as a:

☐ court trial

☒ jury trial

4. The parties elect for this matter to be tried by a jury of ☐ six or ☒ twelve.

5. Parties preference for trial dates: May 1, 2023

May 1-5, 2023

July 10, 2023

**J. MEDIATION**

1. The parties agree to mediation: yes \_\_ no X

2. If yes:

a. The parties agree to submit to mediation with a mediator mutually agreed upon under the time limits in I.R.C.P. 37.1.

b. The mediator must be selected **at least sixty (60) days** before trial. The mediation must be completed and the report received by the court **at least 45 days prior** to trial.

c. Unless otherwise agreed in writing between the parties, the cost of mediation shall be equally divided between the parties.

The parties reserve the right to amend this stipulation by agreement of all parties, subject to Court approval; each party reserves the right to seek amendment hereof by Court order, and to request further status conferences for such purpose, in accordance with I.R.C.P. 16. The parties cannot amend the summary judgment deadline, the deadline to amend pleadings or add parties, or the trial date without approval of the Court so if you are seeking to amend those dates, please contact the In-Court Clerk to get a hearing date.

Dated OCTOBER 10, 2022.

Appearances:

Counsel for Plaintiff(s)

\_\_\_\_\_  
Attorney at Law

Defendant

DIEGO RODRIGUEZ  
Diego Rodriguez – pro se

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