

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 LTD. ,

Plaintiff,

vs.

DIEGO RODRIGUEZ,

Defendant.

Case No. CV01-22-6789

NOTICE OF TRIAL SETTING  
AND ORDER GOVERNING  
FURTHER PROCEEDINGS

This case is hereby set for a Jury Trial to commence on **MONDAY, JULY 10, 2023 at 08:30 AM**. The trial is scheduled for 10 days.

A settlement/status conference is hereby set for **TUESDAY, MAY 23, 2023 at 2:30 p.m.** If the parties agreed to mediation in their scheduling stipulation, the mediation must be completed and the report received by the court by this date.

A pretrial conference is hereby set for **TUESDAY, JUNE 6, 2023 at 2:30 p.m.** All pretrial materials in I.R.C.P. 16 must be filed on or before the pretrial conference date. A copy of exhibit lists, witness lists, and requested jury instructions (jury trial) or proposed findings of fact and conclusions of law (court trial) shall be submitted no later than this hearing. It is sufficient for the parties to identify unmodified pattern jury instructions by number. Counsel will retain the exhibits until the day of trial and will not lodge actual exhibits with the clerk. All parties must be represented at the pretrial conference. Counsel must be the handling attorney, or be fully familiar with the case and have authority to bind the client and law firm to all matters within I.R.C.P. 16. This conference will include a discussion of whether an alternate judge may be available to try this case, if necessary, and any changes to the dates or times the alternate judge may require. If scheduling issues remain, an additional status conference will be set at the pretrial conference.

**IT IS HEREBY FURTHER ORDERED that the dates stipulated to by all counsel in the Stipulation for Scheduling and Planning are hereby ordered.**

IT IS HEREBY ORDERED:

**A. TRIAL EXHIBITS:** Before trial, each party shall call the Judge's clerk or legal assistant at 287-7564 to find out how to mark their exhibits and shall pre-mark all exhibits the party intends to offer into evidence using evidence stickers of the type used by the Clerk's Office.

**B. DRAWING JURORS:** Jurors names for seating order will be randomly drawn by the computer before the date of trial. If counsel intends to observe this process, he or she must contact the court clerk.

**C. VOIR DIRE:** Voir dire of respective jurors by counsel will be limited to a total of **40 minutes** per side, unless otherwise ordered by the Court.

**D. TRIAL PROCEEDING**

Trials scheduled for four days or more may generally be conducted from 9:00 a.m. to 2:30 p.m., EXCEPT ON THE FIRST DAY OF TRIAL AND THE LAST DAY OF TRIAL, with two 15-minute breaks. Trials of three days or less will be conducted from 8:30 a.m. to 5:00 p.m. on Mondays, and 9 a.m. to 5 p.m. on Tuesdays and Wednesdays. The Court will finalize the trial schedule at the final pretrial conference.

Unless otherwise specified, no trial proceedings will take place on Thursdays because of the Court's criminal motion calendar occurs all day on Thursdays. Trials over three days may have to recess for intervening matters set on the court's calendar. If you have questions about the timing of other matters set on the court's calendar, please contact the clerk.

**E. DOUBLE-SETS:** This case has been double-set with other cases. Because of statutory and constitutional speedy trial requirements, criminal cases will have preference over civil trials.

**F. OBJECTIONS TO TRIAL DATE**

**ANY OBJECTION TO THE TRIAL DATE MUST BE FILED AND SERVED WITHIN FOURTEEN (14) DAYS AFTER THE DATE OF SERVICE OF THIS ORDER AND MUST BE ACCOMPANIED BY A LIST OF UNAVAILABLE DATES OF THE PARTY MAKING THE OBJECTION. IF THERE IS A TIMELY OBJECTION, THEN ALL OTHER PARTIES WILL HAVE SEVEN (7) DAYS AFTER THE SERVICE OF SUCH OBJECTION TO FILE WITH THE COURT THEIR UNAVAILABLE DATES TO BE CONSIDERED IN ANY RESCHEDULING. FAILURE TO TIMELY OBJECT WILL WAIVE ANY OBJECTION TO THE TRIAL DATE.**

**G.** Notice is hereby given, pursuant to Idaho Rule of Civil Procedure 40(a)(6), that an **alternate judge** may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

Hon. Peter Barton	Hon. Deborah Bail
Hon. Nancy Baskin	Hon. Roger Burdick
Hon. James Cawthon	Hon. Cheri Copsey
Hon. Steven Hippler	Hon. Bradly Ford
Hon. Samuel Hoagland	Hon. Richard Greenwood
Hon. Jonathan Medema	Hon. Joel Horton
Hon. Patrick Miller	Hon. Thomas Neville
Hon. Derrick O'Neill	Hon. Thomas Ryan
Hon. Michael Reardon	Hon. Gerald Schroeder
Hon. Jason Scott	Hon. Darla Williamson
Hon. Cynthia Yee-Wallace	Hon. Ronald Wilper
	Hon. Barry Wood

“This notice is provided during the effective term of the Idaho Supreme Court Order In re: Emergency Reduction in Court Services and Limitation of Access to Court Facilities, dated April 22, 2021, that provides, “No judge shall be disqualified without cause from any proceeding pursuant to . . . Idaho Rule of Civil Procedure 40(a) . . . during the effective term of this order. When this order is lifted, these disqualification rules will only operate prospectively and may not be exercised retrospectively in any existing case.”

**H. WITNESS DISCLOSURES/EXPERT WITNESSES:** A party’s obligation to fully and timely respond to discovery requests is governed by the Idaho Rules of Civil Procedure and is distinct from this order and from any obligation imposed by this order. No party may rely upon this order or any deadline it imposes as justification for failing to timely respond earlier to discovery requests or supplement prior responses.

With the exception of impeachment witnesses under I.R.C.P 16(d), each party shall disclose the existence and identity of intended or potential expert or lay witnesses to the extent required by interrogatories or other discovery requests propounded by another party.

There is no independent duty to disclose expert or lay witnesses except as required to adequately respond to discovery requests or supplement prior responses, unless the court has specifically ordered the disclosure or if a disclosure deadline has been set in the Stipulation for Scheduling and Planning.

If discovery requests are propounded seeking disclosure of expert witnesses (retained or non-retained) under I.R.C.P. 26, the party upon whom such requests are served shall, in good faith, disclose the existence and identity of potential or intended expert witnesses and the subject matter and the substance of any opinions of such experts **at the earliest opportunity. If such is requested in discovery, the date for timely disclosure is governed by the Idaho Rules of Civil Procedure on discovery. If it is not requested by discovery, then the disclosure must be made no later than the date agreed by the parties in the Stipulation for Scheduling and Planning (which is ordered by this Order). This provision means that when an expert is identified, he or she must have performed such investigation as may be necessary, reviewed such documents as may be necessary, and reached conclusions or opinions as may be required so that disclosure of that**

information, or such other information as may be requested by discovery or by I.R.E. 703 and 705 will be disclosed:

1. no later than the date required by the discovery rules if requested through discovery, or
2. the date in the Stipulation for Scheduling and Planning if formal discovery was not propounded.

The expectation that an expert may be deposed is not a ground for failure to make disclosures called for by discovery, by rule of evidence, or by Rule 26(b)(4) IRCP. If an opinion or foundation for an opinion of an expert changes in any fashion after previous disclosures have been made there is a duty to immediately supplement such information pursuant to Rule 26(e) IRCP. Experts may be prohibited from testifying to any opinions or foundation for such opinions that have not been the subject of timely and proper disclosure.

Any party upon whom discovery is served who intends or reserves the right to call any expert witness in rebuttal or surrebuttal shall, in good faith, identify such experts at the earliest opportunity required by the discovery rules or the Stipulation for Scheduling and Planning—whichever comes first. A defense expert intended to be called during the defense case in chief is not a “rebuttal” witness within the terms of this order.

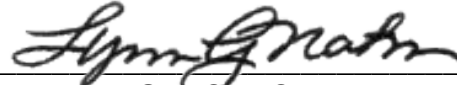
Any party upon whom discovery requests are served seeking disclosure of lay witnesses shall, in good faith, disclose the identity of all such witnesses at the earliest opportunity and must comply with the timelines set in the discovery rules. If no formal discovery is propounded, then lay witness disclosures shall be made **no later than the date agreed in the Stipulation for Scheduling and Planning**. Absent a showing of good cause and a lack of unfair prejudice to any other party, any witness who has not been timely disclosed will not be permitted to testify at trial.

**I. MOTIONS IN LIMINE:** All motions in limine must be filed before the pretrial conference and heard at least fourteen (14) days before the trial date.

**J.** Any stipulation to vacate or continue the trial by the parties is not binding upon the court. A **hearing must be properly noticed** and held for the court to consider such stipulation. The parties can email the clerk to obtain a hearing date.

**L. JUDGMENTS:** The Idaho Supreme Court requires proposed judgments to follow language in the current Rule 54. Please be sure any proposed judgment complies with the current rule.

DATED: October 17, 2022.



LYNN G. NORTON  
District Judge

Rev. 1/17/2021

### CERTIFICATE OF MAILING

I hereby certify that on October 17, 2022, I e-mailed (served) a true and correct copy of the within instrument to:

Erik Stidham  
[efstidham@hollandhart.com](mailto:efstidham@hollandhart.com)

Diego Rodriguez  
[freedommanpress@protonmail.com](mailto:freedommanpress@protonmail.com)

PHIL McGRANE  
Clerk of the District Court

By:   
Deputy Court Clerk 10/17/2022 3:04:57 PM

