

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

**PRESTIGE PRODUCE, INC., a corporation;  
et al,**

Plaintiffs,

vs.

**SILVER CREEK, INC., a corporation, dba  
QUALITY PRODUCE; et al,**

Defendants,

**AND INTERVENING ACTIONS.**

Case No. **CV 04-491-S-EJL**

**ORDER**

On September 7, 2006, the Court held a telephone status conference call with several of the parties in the above-entitled action.<sup>1</sup> The call was held for the purpose of clarifying the status of the case and identifying how to proceed. The parties agreed that discovery and motions deadlines should be set and a

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<sup>1</sup> All parties were notified of the status conference and those parties who chose to participate were as follows:

- 1) R. Jason Read, Priscilla Grannis, and Joseph M. Meier representing the Plaintiffs Prestige Produce, Inc., Taylor Farms California, Inc., Foodsource Procurement, LLC, Sunridge Farms, Inc., and intervening Plaintiffs Summit Procurement, Dave Westendorf Produce Sales, Inc., Hughes Produce Sales, Inc., and P & I Produce, LLC.
- 2) Bradley L. Cornell, representing intervening Plaintiff LJ Distributors, Inc.
- 3) D. Blair Clark, representing Defendant Silver Creek, Inc. and Rodger L. Jones; also standing in for Frances R. Stern who represents Defendant Jana Chalfant.
- 4) John A. Bradley, representing intervening Plaintiff Sun Valley Potatoes, Inc.
- 5) Christopher F. Brian and John B. Todd, representing intervening Plaintiff MCL Distributing.

trial date identified to resolve the remaining issues in the case. To assist the parties in identifying such deadlines the Court has attached to this order its standard civil litigation outline and asks that the parties review the outline and confer regarding the applicable deadlines. The parties shall then submit a joint proposal for such deadlines and a proposed order to the Court on or before September 27, 2006. The Court will review the parties' submission. In the event the parties are unable to arrive at a joint recommendation or the Court disagrees with the suggested deadlines, the Court will hold a telephone scheduling conference on October 24, 2006 at 9:30 a.m. mountain standard time. If, however, the parties' submission is acceptable, the Court will enter a scheduling order reflecting the applicable deadlines agreed upon by the parties and vacate the telephone scheduling conference.

Recognizing that the litigation outline is a standard form, the Court notes that certain deadlines may not be applicable or need alteration in this case in light of the fact that the case has been proceeding for some time. One critical time frame for the parties to consider is that there be at least six months between the trial date and the date for filing pre-trial and dispositive motions. Thus, in setting the trial date the parties should take into account the motions deadline and the time needed for discovery and mediation.

### **ORDER**

#### **THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:**

1. This Order shall be served by the Clerk of the Court on all named parties in this action.
2. The parties shall meet and determine:
  - A. A litigation plan<sup>2</sup>; and

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<sup>2</sup> Attached is a Civil Case Litigation Outline which shall be used by the parties in determining their case litigation plan. The parties should follow the outline unless the particulars of this case necessitate a different time frame. The litigation plan form can be found at: [http://www.id.uscourts.gov/forms-dc/LITPLAN\\_ejl.pdf](http://www.id.uscourts.gov/forms-dc/LITPLAN_ejl.pdf)

B. If the case is suitable for an alternative dispute resolution (ADR) program

such as arbitration, mediation<sup>3</sup> or judicial settlement conference.

3. On or before **September 27, 2006**, the parties shall file with the court the Litigation Plan form.

4. Initial disclosures shall be made by the parties pursuant to Federal Rules of Civil Procedure 26.1

and Local Rule 16.1.

5. A telephonic scheduling conference shall be held on **October 24, 2006**, at **9:30 a.m.** mountain time, for the purpose of confirming the deadlines proposed by the parties in the Litigation Plan Form and to set the matter for trial. In the event the Court adopts the parties joint proposed deadlines the Court will issue a scheduling order vacating the telephone scheduling conference.

6. If the telephone scheduling conference is not vacated, counsel for Plaintiff shall initiate the conference call by placing it to Diane McDonald, Administrative Assistant, at 208-334-9270, and shall have all appropriate parties on the line.

DATED: **September 7, 2006**



A handwritten signature in black ink, appearing to read "Edward J. Lodge".

Honorable Edward J. Lodge  
U. S. District Judge

**CIVIL CASE LITIGATION OUTLINE**

| <b>DAY</b> | <b>EVENT</b>   |
|------------|--|
| 1          | Complaint Filed in Federal Court   |
| 69         | Parties Meet on Litigation Plan (Local Rule 16.1)  |
| 80         | <b><u>DISTRICT COURT FILING DEADLINE:</u></b> Joint Litigation Plan Form   |
| 83         | <b>Case reviewed by Court for:</b><br><br><b>(1) Completion of service (2) Consent to a Magistrate Judge Form<br/>(3) Litigation Plan Form</b> |

<sup>3</sup> Pursuant to Local Rule 16.5, the parties shall discuss and determine whether or not they will participate in a mediation program. Mediation is a process whereby a trained, experienced and impartial neutral, selected by the parties and or the Court, will facilitate discussion, and assist in identifying issues and generating options in an attempt to resolve the dispute which prompted the litigation.

A party can move for withdrawal from the mediation process upon a showing that reasons exist as to why mediation would not be productive or otherwise should not occur.

90 **TELEPHONE SCHEDULING CONFERENCE**

135 Expert Disclosure by plaintiff

165 Expert Disclosure by defendant

180 Rebuttal Expert Disclosure by plaintiff

210 Pre-Alternative Dispute Resolution (ADR) Discovery Deadline

**DISTRICT COURT FILING DEADLINE:** Motion to Amend

240 ADR Conference (Mediation, Arbitration or Settlement Conference)

247 **DISTRICT COURT FILING DEADLINE:** ADR Status Report

300 Final Discovery Deadline

330 **DISTRICT COURT FILING DEADLINE:** Pre-Trial Motions (6 months before trial)

Responsive Pleadings Due 21 Days from Receipt of Motion

Reply Pleadings Due 10 Days from Receipt of Response

**DISTRICT COURT FILING DEADLINE:** Dispositive Motions (6 months before trial)

Responsive Pleadings Due 21 Days from Receipt of Dispositive Motion

Reply Pleadings Due 10 Days from Receipt of Response

531 **TRIAL:** Scheduled to begin on Tuesdays at 9:30 a.m. unless otherwise ordered.