

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNION BLOCK ASSOCIATES LLC;
and KENNETH G. HOWELL, an
individual,

Plaintiffs,

v.

TIM KEANE, an individual; CARL
MADSEN, an individual; and the CITY
OF BOISE; and DOES I through X,

Defendants.

Case No. 1:24-cv-00038-DCN

**ORDER ADOPTING SCHEDULING
ORDER**

(COMPLEX TRACK)

IT IS ORDERED:

1. The deadlines set in the Court's earlier Scheduling Order (Dkt. 11) entered by Judge Dale are hereby adopted by the undersigned Judge¹.
2. Additionally, the following provisions shall govern this case:
 - a. Dispositive Motions: Absent good cause, the dispositive motion deadline will **not** be extended even if you are having discovery disputes. Late filed discovery disputes may not be considered good cause. This is the critical event for case management and will dictate when the trial will be set. As provided below, a trial setting conference will be scheduled immediately

¹ The Court adopts the Scheduling Order except for the status conference set for January 15, 2025.

following resolution of all dispositive motions. To facilitate a prompt trial setting, I will make every effort to schedule oral argument within 60 days and issue a decision within 30 days after the oral argument. If a decision is not issued within this time frame, I invite inquiry from counsel as to the status of the decision.

- b. Discovery: Discovery requests must be made far enough in advance of the dispositive motion to allow completion of the discovery by the deadline date. The parties may, by stipulation, agree to defer some trial-related discovery, such as discovery related to damages issue, until after I have ruled on any dispositive issues.
- c. Rules Governing Disclosure of Expert Witnesses: Within the deadlines for disclosure of expert witnesses set out in the earlier scheduling order, the parties shall also provide – for each expert disclosed – the report described in Fed. R. Civ. P. 26(a)(2)(B), as modified by Local Rule 26.2(b). Supplementation to the expert witness report shall be done in accordance with Fed. R. Civ. P. 26(e)(1). Pursuant to Local Rule 26.2(b), expert witnesses will not be allowed to offer any opinion not disclosed in the mandatory Rule 26 disclosures, supplementation, or deposition. This includes rebuttal experts. No undisclosed expert rebuttal opinion testimony will be allowed at trial.
- d. Scheduling of Trial and Pretrial Conference: Plaintiffs' counsel shall contact the law clerk assigned to this case within one week following the entry of a

decision on all pending dispositive motions to make arrangements for a telephone scheduling conference between counsel and me in which the trial and pretrial conference shall be set. If no dispositive motion is filed, Plaintiffs' counsel shall immediately contact the law clerk within one week of the dispositive motion filing deadline to set a telephone scheduling conference.

- e. Law Clerk: If counsel has a procedural or legal question that needs to be brought to my attention, please contact Daniel Nelson, the law clerk assigned to this case at (208) 478-8394.
- f. Handling of Discovery Disputes and Non-disposition Motion:
 - i. I will **not** refer this case to a magistrate judge for resolution of discovery disputes and non-dispositive motions. I will keep these motions on my own docket.
 - ii. The parties will strictly comply with the meet and confer requirements of Local Rule 37.1 prior to filing any discovery motions.
 - iii. In addition, I will not entertain any written discovery motions until the Court has been provided with an opportunity to informally mediate the parties' dispute. To facilitate that mediation, the attorneys will first contact Daniel Nelson, the law clerk assigned to this case, and shall provide him with a brief written summary of the dispute and the parties' respective positions. Mr. Nelson may be able to offer suggestions that will resolve the dispute without the need of my

involvement. If necessary, an off-the-record telephonic conference with me will then be scheduled as soon as possible. I will seek to resolve the dispute during that conference and may enter appropriate orders on the basis of the conference. I will only authorize the filing of a discovery motion and written briefing if we are unable to resolve the dispute during the conference.

- iv. Prior to filing any discovery motions, counsel must certify, not only that they have complied with Local Rule 37.1, but that they have complied with the foregoing procedures.
- g. Calendaring Clerk: With regard to any scheduling matters or calendar issues, please contact my courtroom deputy, Jenny Mitchell at (208) 478-8395.
- h. Docketing Clerk: If you have a docketing question, please contact a docket clerk at (208) 334-1361.



DATED: May 6, 2024



David C. Nye
Chief U.S. District Court Judge