

MAY 23 2011

CHRISTOPHER D. RICH, Clerk
JOHN WEATHERBY
DEPUTY

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

CITIZENS FOR AN OPEN
GREENBELT,

Plaintiff,

vs.

CITY OF GARDEN CITY,

Defendant.

Case No. CV OC 20-22465

ORDER GOVERNING PROCEEDINGS
AND SETTING TRIAL

1. The stipulation for scheduling and planning signed by all parties is hereby approved and adopted as the Order of this Court pursuant to I.R.C.P 16(b). No party may vary from the stipulation of this order without approval of the Court.
2. Trial is set for a **Court Trial** to commence on **February 21, 2012 at 9:00 a.m.** for 4 days.

NOTICE OF INTENT TO RELY ON PANEL OF JUDGES AS ALTERNATES

Notice is hereby given, pursuant to I.C.R.P. 40(g) 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. Phillip M. Becker
 Hon. G.D. Carey
 Hon. Dennis Goff
 Hon. George R. Reinhart, III
 Hon. Ronald Schilling
 Hon. W. H. Woodland
 Hon. R. Barry Wood
 Hon. Kathryn A. Sticklen
All Sitting Fourth District Judges

Hon. James Judd
 Hon. Duff McKee
 Hon. Daniel Meehl
 Hon. Daniel C. Hurlbutt, Jr.
 Hon. Nathan Higer
 Hon. Linda Copple Trout
 Hon. Peter McDermott
 Hon. Gerald Schroeder
All Senior Judges

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Unless a party has previously exercised their right to disqualification without cause under Rule 40(d)(1), each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge not later than ten (10) days after service of this written notice listing the alternate judge.

3. A **pretrial conference** will be held on **February 2, 2012 at 4:30 p.m.** **IF A PARTY FAILS TO APPEAR AT THE PRE-TRIAL CONFERENCE WITHOUT GOOD CAUSE, SUCH FAILURE SHALL BE SUFFICIENT GROUND FOR ENTRY OF JUDGMENT AGAINST SUCH PARTY OR DISMISSAL OF THE ACTION OF SUCH PARTY, WITH PREJUDICE, WITHOUT FURTHER NOTICE.**

4. **MOTIONS:**

A. **Motions to Amend:** *Unless otherwise stipulated*, all Motions to Amend including Motions to Amend for Punitive Damages shall be filed 210 days before trial. Any opening brief or response shall be *no longer than 25 pages*. The moving party's reply shall be *no longer than 10 pages*. See **Local Rule 8**.

B. **Dispositive Motions:** By stipulation, all dispositive motions *shall* be filed so that they can be *argued* before the Court on or before 110 days before trial. The parties may not alter this deadline. A failure to file any summary judgment in compliance with this rule may result in no summary judgment being scheduled.

Each motion *shall* be accompanied by a separate brief containing all the reasons and points and authorities relied upon by the moving party. Any opening brief or response shall be *no longer than 25 pages*. The moving party's reply shall be *no longer than 10 pages*. See **Local Rule 8**.

NO PARTY SHALL FILE A SEPARATE STATEMENT OF UNDISPUTED FACTS.

Before scheduling a hearing for a motion for summary judgment, the party shall file the motion and memorandum in support. The Court may schedule the hearing and issue a scheduling order after reviewing the motion and supporting memorandum.

All parties shall email *all* dispositive motion materials to **jweatherby@adaweb.net** at the time the motion or memorandum is filed with the court. Any memoranda shall be emailed in a Word document with any supporting affidavits or material send in a PDF file.

Any party who does not intend to oppose any motion shall immediately notify opposing counsel and the court by filing a pleading titled "Non-Opposition to Motion." The moving party shall serve and file with affidavits or other documentary evidence upon which the moving party intends to rely with the Motion.

5. 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. In addition to the requirements of I.R.C.P. 16(c), (d) and (e), at the pretrial conference, each party shall be required to serve on all other parties and lodge with the Court a complete list of exhibits and witnesses in accordance with I.R.C.P. 16(h). Parties shall submit to the Court, no later than five (5) days before the final pre-trial conference, a Pre-Trial Memoranda which will include the following:

- a. Elements of Plaintiff's case (Plaintiff);
- b. Defenses of Defendant's case (Defendant)
- c. Contested facts;
- d. Contested issues of law;
- e. Evidentiary issues
- f. Agreed or stipulated facts; and
- g. Memorandum of Points and Authorities on issues of law.

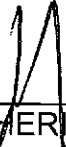
6. Exhibits should be pre-marked prior to opening of court. All approved videotape or audiotape presentations must be cued in advance, and all equipment tested for sound, picture, etc. prior to presenting evidence contained therein. The parties are responsible for reviewing proposed exhibits for redactions to ensure that objectionable material is not seen by the jury. "Dry runs" are encouraged before coming to court, and before court begins. All exhibits are to be handed to the court officer, instead of the witness.

7. Counsel should be familiar with the local rules, including the page limitations and argument limitations.

8. Each party shall submit proposed findings of facts and conclusions of law to the Court at the pretrial conference, unless otherwise permitted by the Court.

IF A PARTY FAILS TO APPEAR AT TRIAL WITHOUT GOOD CAUSE, SUCH FAILURE SHALL BE SUFFICIENT GROUND FOR ENTRY OF JUDGMENT AGAINST SUCH PARTY OR DISMISSAL OF THE ACTION OF SUCH PARTY, WITH PREJUDICE, WITHOUT FURTHER NOTICE.

Dated this 23rd day of May, 2011.


CHERI C. COPSEY

CHERI C. COPSEY
District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 23rd day of May, 2011, I mailed (served) a true and correct copy of the within instrument to:

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GARDEN CITY, ID 83714

CHRISTOPHER D. RICH
Clerk of the District Court

By: _____

J. WEATHERBY

John Weatherby, Deputy Court Clerk

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