

Rule 16.1 PRETRIAL CONFERENCES

The Court recognizes that the commencement of an action transforms a private dispute into public business, which necessitates judicial regulation through calendar control and explicit rules regarding discovery matters and pretrial conferences, in order to avoid unnecessary delays and to accommodate the public's interest in swift administration of justice consistent with high standards of judicial quality. Pretrial conferences are fundamental to that process. The Court will fully implement Fed. R. Civ. P. 16 in scheduling and managing all complex and non-complex cases, except appeals from the bankruptcy court, appeals from decisions of administrative agencies and other cases where the action of the Court is limited to review of a previously prepared record, *habeas corpus* proceedings and *pro se* prisoner cases. Scheduling orders shall comply with Fed. R. Civ. P. 16(b).

(a) **Rule 26(f) Conference and Pretrial Scheduling Conference in Non-Complex Cases.** The Court, in its discretion and upon its own initiative, shall ~~set schedule~~ a pretrial scheduling conference with the attorneys for the parties **before a** ~~and the~~ magistrate judge or a district judge of the Court. ~~Such a conference shall be set by a district judge or magistrate judge at any time.~~

~~_____ (1) after the case appears at issue;~~

~~_____ (2) upon the filing of a motion to dismiss or for summary judgment; or~~

~~_____ (3) sixty (60) days after service of summons.~~

~~Unless otherwise directed by the Court, counsel shall not be required to file scheduling conference memoranda, but shall be prepared;~~

(1) The Court will set an initial pretrial conference no sooner than thirty-five (35) days after the last pleading pursuant to Fed.R.Civ.P. 7 or a dispositive motion is filed with the court. Counsel must meet and confer together in accordance with Fed.R.Civ.P. 26(f) no later than twenty (20) days after the last pleading pursuant to Fed.R.Civ.P. 7 or a dispositive motion is filed with the court. (See Appendix D)

(2) Counsel shall comply with Fed.R.Civ.P.26(a)(1) and shall submit a written or oral discovery plan at the initial pretrial conference.

(b) **Initial Pretrial Conference Preparation.** Counsel shall be

prepared to present and discuss the following matters at the initial pretrial conference:

(1) Counsel must report to the Court the results of the Fed.R.Civ.P. 26(f) conference in accordance with Local Rule 26.1(c)(2).

(2) ~~(i)~~ Counsel shall ~~to~~ discuss their respective factual and legal contentions which they believe are material to the case.

(3) Counsel shall exchange initial disclosures (self-executing routine discovery) in accordance with Local Rule 26.1(d)(2).

(4) ~~(ii)~~ Counsel shall ~~to~~ name all the witnesses then known ~~to counsel~~ and to be called to testify at the trial, to the extent that counsel at that stage of the case are able to do so. Additional witnesses and summaries of testimony shall be submitted by each party to the opposing party as their names and addresses are ascertained, and at the final pretrial conference.

(5) ~~(iii)~~ Counsel shall ~~to~~ list the exhibits to be used at trial and display to each other all exhibits (other than those to be used for rebuttal or impeachment) tentatively intended to be offered in evidence at trial, to the extent that counsel are able to do so at that stage of the case. Additional exhibits shall be listed and tendered to opposing counsel when discovered and at the final pretrial conference.

(6) ~~(iv)~~ Counsel shall ~~to~~ discuss with the Court a proposed plan and schedule for discovery, including dates for completion of discovery, depositions, the filing of interrogatories and answers thereto, and the production and inspection of documents.

(7) ~~(v)~~ Counsel shall ~~to~~ exchange proposals for stipulations and agreement upon facts to avoid discovery.

(8) ~~(vii)~~ Counsel shall ~~to~~ discuss a schedule for the taking of expert depositions. (See Local Rule 26.1(f) ~~(e)~~.)

(9) ~~(vi)~~ The Court will ~~to~~ schedule a date for a final pretrial conference and a date for trial of the case.

(c) ~~(b)~~ *Cases Exempt from Scheduling Conferences.* ~~Cases exempt from scheduling conferences are:~~ The following categories or proceedings are exempt from scheduling conferences:

(1) Bankruptcy appeals and withdrawals;

- (2) Deportation actions;
- (3) Equal access to justice actions;
- (4) Food stamp denials;
- (5) Forfeiture and statutory penalty actions;
- (6) IRS third party and customer actions;
- (7) Prisoner actions for violation of civil rights, to vacate sentence, for habeas corpus, or for mandamus;
- (8) Selective service actions;
- (9) Social security reviews; and
- (10) Summons/subpoenas--proceedings to enforce/contest government summons and private party depositions;

(d) ~~(c)~~ Additional Pretrial Conferences. The Court, or any party at any time, may request the Court to schedule one or more additional scheduling conferences in any case in which it is necessary to expedite the case, to assist the Court in identifying the issues or to prevent unnecessary delay or costs.

(e) ~~(d)~~ Treatment of Complex Cases. When the Magistrate Judge determines that a case is complex, the case shall be placed on the calendar for complex cases. Trials shall be set in complex cases after consultation with the parties, allowing sufficient time for pretrial discovery, presentation of legal issues and such scheduling conferences as may be reasonably required to allow time for adequate development of the case for presentation at trial. The Magistrate Judge may establish any of the following procedures which in the discretion of the Court may be necessary to allow proper management of the case:

- (1) multiple scheduling conferences;
- (2) phased discovery;
- (3) joint discovery;
- (4) bifurcation of legal or factual issues;
- (5) early alternative dispute resolution efforts, including a settlement conference, or other methods as may be agreed upon by the parties;
- (6) involvement of the trial judge assigned to the case;

(7) use of the Manual for Complex Litigation.

When, upon motion of a party, or in the discretion of the presiding judicial officer, it is determined by the Court that the case no longer need be treated as a complex case, the trial judge shall be notified and the case shall be moved to the non-complex calendar and assigned the earliest available trial date, in accordance with Local Rule 40.1.

(f) ~~(e)~~ *Magistrate Judge.* The District Court may designate a United States Magistrate Judge to hold scheduling or discovery conferences or any pretrial conference, but the District Court will conduct the final pretrial conference in all contested cases, unless unforeseen circumstances prevent it from doing so. The United States Magistrate Judge located in Cheyenne, Wyoming is hereby granted authority to conduct initial and final pretrial conferences as set by the Court.