

STATE OF SOUTH DAKOTA)
)
 COUNTY OF _____)
 _____,)
)
 Plaintiff,)
 vs.)
)
 _____,)
)
 Defendant.)

IN CIRCUIT COURT
 SEVENTH JUDICIAL CIRCUIT

FILE NO

PRETRIAL SCHEDULING ORDER

THE COURT, having heard from counsel at the status hearing held on the _____ day of _____, 20__, hereby orders the parties to comply with the following pretrial schedule in accordance with SDCL 15-6-83:

1. The PLAINTIFF will respond to interrogatories served pursuant to SDCL § 15-6-26(b)(4) no later than _____, 20__, disclosing the information required by SDCL § 15-6-26(b)(4)(A)(i).

DEFENDANT will complete the deposition(s) of Plaintiff's EXPERT(S) on or before _____, 20__.

2. The DEFENDANT will respond to interrogatories served pursuant to SDCL § 15-6-26(b)(4) no later than _____, 20__, disclosing the information required by SDCL § 15-6-26(b)(4)(A)(i).

PLAINTIFF will complete the deposition(s) of Defendant's EXPERT(S) on or before _____, 20__.

3. The DEADLINE TO SERVE DISCOVERY is _____, 20__.

THE DEADLINE TO PROVIDE DISCOVERY AND DISCOVERY RESPONSES IS _____, 20__.

4. The DEADLINE FOR FILING ANY MOTION, intended to be dispositive of any claim or defense or that involves an issue of substantive law, is _____, 20__.

The motions hearing will be held on _____, 20__ , at ___ a.m./p.m. If no motions are filed by the deadline, PLAINTIFF will cancel the hearing.

5. The PRETRIAL CONFERENCE and any remaining motions will be heard on _____, 20__, at ___ a.m./p.m., in Courtroom #__ of the Pennington County Courthouse in Rapid City, South Dakota.
6. At least TEN (10) DAYS BEFORE THE PRETRIAL CONFERENCE all counsel will furnish the following items in a Pretrial Conference Checklist to the Court and opposing counsel:
 - a. ISSUES REMAINING FOR TRIAL: Set forth the issues joined by the pleadings which have not been disposed of by pretrial motion or agreement of the parties.
 - b. FACT SUMMARY: Set forth a brief summary of the facts the party believes will be proven by the evidence.
 - c. SUBSTANTIVE, PROCEDURAL OR EVIDENTIARY ISSUES INCLUDING MOTIONS IN LIMINE: Set forth the legal questions to be addressed by the court. Attach a pretrial brief supporting your position. Identify any pending motions remaining to be addressed. Any responses or replies must be served within the deadlines set forth in SDCL §15-6-6, as these motions will be heard at the Pretrial Conference.
 - d. WITNESSES - NATURE OF TESTIMONY AND AVAILABILITY: List witnesses, state nature of their testimony, whether a deposition or video deposition has been taken for trial.
 - e. TRIAL TIME: Set forth the estimated time required for trial of the case to the 1/2 day, including impaneling of a jury, if a jury trial and if different from what was proposed at the scheduling hearing.
 - f. JURY INSTRUCTIONS: In jury cases, counsel will submit a joint set of jury instructions, including preliminary jury instructions (if your judge uses), and a verdict form. Each party will submit separately **only** those instructions that the parties do not agree upon including a fair statement of the case for the preliminary instructions consistent with SDCPI 1-10-20.

Where applicable, use South Dakota Pattern Jury Instructions. Prepare proposed instructions in accordance with the provisions of SDCL 14-6-51(a). The source of the requested instructions must appear on the instructions. Include the original and one copy of the instructions with the pretrial conference checklist furnished to the Court. Provide copies to opposing counsel.

- g. DEPOSITIONS: If a deposition is to be read or viewed at trial, any objections must be made identifying the page and line, reason for the objection, including the rule relied upon, at least 10 days before trial. The opposing party will respond within 5 days before trial so that the Court may rule.
- h. EXHIBITS: Parties will consult with the Court Reporter for marking exhibits prior to commencement of the jury trial unless unusually large or impractical. Parties may pre-mark their exhibits but they must use the marking rules outlined below.

- 1) All exhibits you intend to use at trial will be marked using Arabic numbers beginning with 1, i.e., 1, 2, 3, etc.

To avoid duplication of exhibits, the parties will confer in an effort to agree upon a single exhibit list. An agreement to place a proposed exhibit on the list does not waive a party's right to object to the proposed exhibit.

- 2) If the parties cannot agree upon a single exhibit list, then the Plaintiff will inform the Defendant of how many exhibits Plaintiff intends to list. Defendant will begin numbering Defendant's exhibits with the next higher three digit number. For example, if Plaintiff has 114 exhibits, Defendant will begin with 200. If there are multiple plaintiffs or defendants, the same system will be used proceeding in the order set forth in the caption.
- 3) Any exhibits added during trial will be added at the end irrespective of who has offered the exhibit.

i. OTHER: Set forth any other matters which you feel should be discussed at the pretrial conference.

7. At least FIVE (5) DAYS BEFORE THE PRETRIAL CONFERENCE all counsel must furnish to the Court the following:

a. The parties will have met and agreed to foundation for exhibits prior to the pretrial conference. If no stipulation is reached, then the parties will make specific objections, with citation to authority, to exhibits of the opposing party.

b. Specific objections to the opposing party's Requested Jury Instructions.

c. A request for any factual stipulation that would significantly shorten the trial.

8. ALL PARTIES MUST BRING TO THE PRETRIAL CONFERENCE:

a. Exhibits, photographs, demonstrative models, and any similar items to be used at trial, including all audio or video equipment. Counsel will arrange to practice with the Court's video equipment **prior** to trial.

b. Be prepared to address objections to all instructions at the pretrial conference.

The JURY TRIAL in this matter is set for _____, 20__, with ___ trial days held (through _____, 20__,) at the Pennington County Courthouse in Rapid City, South Dakota, in Courtroom _____. The final number of trial days will be set at the Pretrial Conference. Trial will commence at 8:30 a.m., with counsel appearing at ___ a.m.

This Pretrial Scheduling Order will not be modified except by leave of this Court upon a showing of good cause.

Dated this _____ day of _____, 20__.

BY THE COURT:

The Honorable _____
Circuit Court Judge

ATTEST:
Ranae Truman, Clerk of Courts

By _____,
Deputy [SEAL]