
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p style="text-align: center;">R. WAYNE KLEIN, as Receiver,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">LAGRAND T. JOHNSON, an individual and trustee of the YOTSUYA FAMILY TRUST,</p> <p style="text-align: center;">Defendants.</p>	<p>SCHEDULING ORDER</p> <p>Case No. 2:19-cv-00534-DN-PK</p> <p>District Judge David Nuffer Magistrate Judge Paul Kohler</p>
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Pursuant to Fed. R. Civ. P. 16(b), the court received the Attorney Planning Meeting Report¹ filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | 1. | PRELIMINARY MATTERS | DATE |
|-----------|--|-----------------|
| | Nature of claims and any affirmative defenses: | |
| a. | Date the Rule 26(f)(1) conference was held? | <u>09/17/19</u> |
| b. | Have the parties submitted the Attorney Planning Meeting Report? | <u>09/17/19</u> |
| c. | Deadline for 26(a)(1) initial disclosures? | <u>10/07/19</u> |
| d. | Deadline for filing a deposition plan including the names of deponents (or role, if name is unknown) and the place and date of deposition? | <u>11/29/19</u> |
| 2. | DISCOVERY LIMITATIONS | NUMBER |
| a. | Maximum number of depositions by Plaintiff(s): | <u>10</u> |
| b. | Maximum number of depositions by Defendant(s): | <u>10</u> |

¹ Docket no. 15, filed Oct. 1, 2019.

- c. Maximum number of hours for each deposition (unless extended by agreement of parties): 7
- d. Maximum interrogatories by any party to any party: 25
- e. Maximum requests for admissions by any party to any party (unlimited requests under Rule 36(a)(1)(B)): 25
- f. Maximum requests for production by any party to any party: 25

- g. The parties shall handle discovery of electronically stored information as follows:

At this time, the parties do not anticipate extensive electronic discovery will be necessary. Instead, electronic discovery will consist primarily of the collection, review, and production of certain email from a few custodians and certain accounting records. The parties will meet and confer within fourteen (14) days following the completion of their initial disclosures to consider an appropriate electronic discovery protocol.

- h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows:

The parties have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production, as follows: The inadvertent disclosure or production of any information or documents that is subject to an objection on the basis of attorney-client privilege or work-product protection, will not be deemed to waive a party's claim to its privileged or protected nature or estop that party or the privilege holder from designating the information or document as attorney-client privileged or subject to the work product doctrine at a later date.

Any party receiving such information or document shall return it upon request from the producing party. Upon receiving such a request as to specific information or documents, the receiving party shall return the information or documents to the producing party within five (5) business days, regardless of whether the receiving party agrees with the claim of privilege and/or work-product protection. Disclosure of the information or document by the other party prior to such later designation shall not be deemed a violation of this agreement or any Court Order incorporating this agreement.

- i. Last day to serve written discovery: 03/13/20
- j. Close of fact discovery: 04/17/20

3.	AMENDMENT OF PLEADINGS/ADDING PARTIES¹	DATE
a.	Last day to file Motion to Amend Pleadings:	<u>12/20/19</u>
b.	Last day to file Motion to Add Parties:	<u>12/20/19</u>
4.	RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS	DATE
	Disclosures (subject and identity of experts)	
a.	Party(ies) bearing burden of proof:	<u>04/24/20</u>
b.	Counter disclosures:	<u>05/25/20</u>
	Reports	
a.	Party(ies) bearing burden of proof:	<u>04/24/20</u>
b.	Counter reports:	<u>05/25/20</u>
5.	OTHER DEADLINES	DATE
a.	Last day for expert discovery:	<u>07/10/20</u>
b.	Deadline for filing dispositive or potentially dispositive motions:	<u>07/17/20</u>
c.	Deadline for filing partial or complete motions to exclude expert testimony:	<u>07/17/20</u>
6.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
a.	Likely to request referral to a magistrate judge for settlement conference:	<u>No</u>
b.	Likely to request referral to court-annexed arbitration:	<u>No</u>
c.	Likely to request referral to court-annexed mediation:	<u>No</u>
d.	The parties will complete private mediation/arbitration by:	<u>07/17/20</u>
e.	Evaluate case for settlement/ADR on:	<u>05/01/20</u>

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

f. Settlement probability:

7. TRIAL AND PREPARATION FOR TRIAL **TIME** **DATE**

a. Rule 26(a)(3) pretrial disclosures²

Plaintiff(s): 10/30/20

Defendant(s): 11/13/20

b. Objections to Rule 26(a)(3) disclosures
(if different than 14 days provided in Rule)

c. Special Attorney Conference³ on or before: 11/27/20

d. Settlement Conference⁴ on or before: 11/27/20

e. Final Pretrial Conference: 2:30 p.m. 12/10/20

f. Trial Length

i. Bench Trial

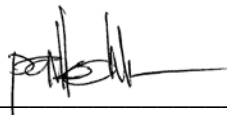
ii. Jury Trial 3 days 8:00 a.m. 12/28/20

8. OTHER MATTERS

Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

Signed October 11, 2019.

BY THE COURT:



Paul Kohler
United States Magistrate Judge

² The Parties must disclose and exchange any demonstrative exhibits or animations with the 26(a)(3) disclosures.

³ The Special Attorneys Conference does not involve the court. During this conference, unless otherwise ordered by the court, counsel will agree, to the extent possible, on voir dire questions, jury instructions, and a pretrial order. They will discuss the presentation of the case, and they should schedule witnesses to avoid gaps and disruptions. The parties should mark exhibits in a way that does not result in duplication of documents. The pretrial order should include any special equipment or courtroom arrangement requirements.

⁴ The Settlement Conference does not involve the court unless the court enters a separate order. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.