

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS**

CITY OF POCA TELLO,

Plaintiff,

vs.

IDAHO WATER RESOURCES BOARD, IDAHO  
DEPARTMENT OF WATER RESOURCES, GARY  
SPACKMAN, in his capacity as Director of the Idaho  
Department of Water Resources, and TONY  
OLENICHAK, in his capacity as Water District 01  
Watermaster,

Defendants,

and

CITY OF BLISS, CITY OF BURLEY, CITY OF CAREY,  
CITY OF DECLO, CITY OF DIETRICH, CITY OF  
GOODING, CITY OF HAZELTON, CITY OF  
HEYBURN, CITY OF JEROME, CITY OF PAUL, CITY  
OF RICHFIELD, CITY OF RUPERT, CITY OF  
SHOSHONE, and CITY OF WENDELL, BURLEY  
IRRIGATION DISTRICT, FREMONT-MADISON  
IRRIGATION DISTRICT, and IDAHO IRRIGATION  
DISTRICT,

Intervenors.

**Case No. CV42-23-1668**

**[POCA TELLO'S DRAFT  
PROPOSED]  
SCHEDULING ORDER**

Fee Category: Exempt  
Idaho Code § 67-2301

THE COURT HEREBY ORDERS the following scheduling deadlines:

**A. EXPERT WITNESSES**

**1. Plaintiff's Experts**

- a. 168 days (24 weeks/6 months) before trial, plaintiff shall disclose each person plaintiff intends to call as an expert witness at trial and state the subject matter on which the witness is expected to testify.
- b. 168 days before trial, plaintiff shall disclose all information required by Rule 26(b)(4) of the Idaho Rules of Civil Procedure (“I.R.C.P.”) regarding expert witnesses.
- c. 49 days (7 weeks) before trial, defendant shall complete any depositions of the plaintiff’s initial expert witnesses.

2. **Defendants' Experts**

- a. 112 days (16 weeks/4 months) before trial, defendant shall disclose each person defendant intends to call as an expert witness at trial and state the subject matter on which the witness is expected to testify.
- b. 112 days before trial, defendant shall disclose all information required by I.R.C.P. 26(b)(4) regarding expert witnesses.
- c. 49 days (7 weeks) before trial, plaintiff shall complete any depositions of the defendant’s expert witnesses.

3. **Plaintiff’s Rebuttal Experts**

- a. 84 days (12 weeks/3 months) before trial, plaintiff shall disclose each person plaintiff intends to call as an expert witness at trial to rebut new information on issues disclosed or raised by the defendant.
- b. 84 days before trial, plaintiff shall disclose all information required by I.R.C.P. 26(b)(4) regarding the rebuttal expert witnesses.

- c. 49 days (7 weeks) before trial, defendant shall complete any deposition of the plaintiff's rebuttal expert witnesses.

**B. LAY WITNESSES**

1. 84 days (12 weeks/3 months) before trial, plaintiff shall disclose each person plaintiff intends to call as a lay witness at trial (excluding impeachment witnesses).
2. 70 days (10 weeks) before trial, defendant shall disclose each person defendant intends to call as a lay witness at trial (excluding impeachment witnesses).
3. 56 days (8 weeks) before trial, plaintiff shall disclose each lay witness (excluding impeachment witnesses) plaintiff intends to call at trial to rebut new information or issues disclosed or raised by the defendant.
4. 49 days (7 weeks) before trial, all parties shall complete any depositions of lay witnesses.

**C. DEADLINES FOR INITIATING DISCOVERY**

1. 91 days (13 weeks) before trial is the last day for serving written interrogatories, requests for production, requests to permit entry upon land or other property, and requests for admission.
2. 91 days before trial is the last day for filing motions for a physical or mental examination.

**D. DEADLINE FOR SUPPLEMENTAL RESPONSES TO DISCOVERY**

1. 49 days (7 weeks) before trial, all parties must serve any supplemental response to discovery required by I.R.C.P. 26(e).

**E. STIPULATION TO ALTER DISCOVERY DEADLINES**

1. The parties may alter any discovery deadline by written agreement without the necessity of obtaining a court order.

**F. PRE-TRIAL MOTIONS**

1. 196 days (28 weeks/7 months) before trial is the last day to file motions to add additional parties to the lawsuit.
2. 196 days before trial is the last day to file a motion to amend the claims between existing parties to the lawsuit, including to add a claim for punitive damages.
3. All other non-dispositive pre-trial motions (including, but not limited to motions *in limine*) must be filed and scheduled for hearing not less than fourteen (14) days before trial.

**G. MOTIONS FOR SUMMARY JUDGMENT**

1. All motions for summary judgment must be filed at least ninety-six (96) days before trial.
2. No hearing on any summary judgment will be permitted in the sixty (60) day period prior to trial.

**H. TRIAL SETTING**

1. This case may be set for a trial to commence on or after \_\_\_\_\_, 2024.

Note: absent extremely compelling circumstances, no case will be set for trial more than 510 days from the date of filing the complaint.

2. It is estimated that the trial will take three (3) days.
3. This case is to be tried as a court trial.
4. Parties' preference for trial dates:

- a. October 8, 2024
  - b.
  - c.
5. No later than seven (7) days before the pre-trial conference, the parties will file with the Clerk a pre-trial conference memorandum pursuant to I.R.C.P. 16(d).
- The memorandum may be filed as a joint submission or separate.

**I. MEDIATION**

1. The parties [agree/disagree?] to mediation.