

STATE OF MAINE

YORK, ss.

SUPERIOR COURT

Docket No. RE-09-111

ROBERT ALMEDER, et als.

Plaintiff(s)

v.

STANDARD SCHEDULING ORDER (M.R.Civ.P. 16(a))

TOWN OF KENNEBUNKPORT

Defendant(s)

1. Joinder of Parties and Amendment of Pleadings. Unless otherwise ordered by the court, new parties may not be joined, and third party complaints and motions to amend the pleadings may not be filed later than 4 months from the date of this order. If new parties are added, all deadlines remain the same unless otherwise ordered by the court.

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2. Expert Witness Designations. Unless the court orders otherwise for good cause shown, each party may designate no more than one expert per issue. For purposes of expert witness designation, parties with common interests shall be considered one party. Unless the court orders otherwise for good cause shown, the expert witness designation shall include a complete statement of the information and reports required by M.R.Civ.P. 26(b)(4)(A)(i). The designation by the plaintiff(s) shall be served on all other parties not later than 3 months from the date of this order. The designation by the defendant(s) shall be served on all other parties not later than 5 months from the date of this order. No extensions of the designation deadlines will be granted except on motion demonstrating good cause and that discovery was timely and diligently conducted in good faith. Counsel shall not assume that agreements to designate experts beyond these deadlines will be accepted by the court. Such extensions shall not delay trial.

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3. Discovery Deadline. Unless the court orders otherwise for good cause shown, discovery shall be completed not later than 8 months after the date of this order. Discovery shall be initiated so as to enable the opposing party to serve a response within the period allowed by the rules but in advance of this deadline. No extensions of the discovery period will be granted except on motion demonstrating good cause and that discovery was timely and diligently conducted in good faith. Counsel shall not assume that agreements to conduct discovery beyond this deadline will be accepted by the court. Such agreements shall not delay trial.

9/4

4. Alternative Dispute Resolution Conference. (ADR) This case (is) (is not) subject to the requirements of M.R.Civ. P. 16B, according to the plaintiff's summary sheet. If subject to Rule 16B, the parties shall confer promptly to choose an ADR process and neutral third party to conduct the ADR process. Not later than 60 days after the date of this order, the plaintiff shall notify the court of the ADR process selected, the name of the neutral and the time and place for the ADR conference. If the parties are unable to agree on either the process or a neutral, they

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shall notify the court promptly in writing. Unless all parties agree in writing as provided in M.R. Civ. P. 16B(a), the ADR conference shall be held and completed not later than 120 days after the date of this order. A report of the ADR conference shall be filed by the neutral or the parties not later than 10 days after completion of the ADR conference.

5. Jury Trial. A plaintiff requesting trial by jury shall file with the clerk a request in writing accompanied by the \$300 fee within 210 days from the date of this order if the case is subject to the requirements of Rule 16B for alternative dispute resolution, or within 20 days from the date of this order if the case is not subject to Rule 16B. The defendant, or any other party, may request trial by jury by filing a request in writing accompanied by the \$300 fee within 220 days from the date of this order if the case is subject to the requirements of Rule 16B for alternative dispute resolution, or within 30 days from the date of this order if the case is not subject to Rule 16B. If a party fails to make a request and tender the payment in accordance with this provision, the right to jury trial is waived. If a party seeks a jury trial on less than all issues, they shall so state in their request.

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6. Estimate of Time Required for Trial. Not later than 15 days after the discovery deadline, the parties shall confer and the plaintiff shall file with the court a good faith estimate of the number of days required for trial. Counsel may request the case be processed pursuant to Rule 16(b).

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7. Exchange of Witness and Exhibit Lists. Not later than 15 days after the discovery deadline, each party shall serve on all other parties a list of the name and place of residence or business address of each witness expected to be called at trial and a list of exhibits, including demonstrative aides to be offered or used at trial.

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8. Deadline for Filing Motions. All motions, except motions in limine or those affecting the conduct of the trial, shall be filed pursuant to M.R.Civ.P. 7 not later than 30 days following the close of discovery. Motions filed after the close of discovery will not prevent a case from being placed on the trial list.

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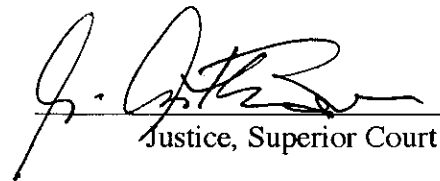
9. Sanctions. Failure to comply with deadlines as ordered may result in the imposition of sanctions pursuant to M.R.Civ.P. 16(d).

10. Modification of Standard Scheduling Order. This order shall not be modified, amended or supplemented, except as allowed by M.R.Civ.P. 16(a)(1).

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The entry will be: "Standard Scheduling Order filed. (Discovery deadline is Sept. 4, 2010) (Parties to select ADR process and neutral)."

Date: January 4, 2010


Justice, Superior Court