

be resolved by agreement and that, if not immediately resolved, will significantly disrupt the discovery schedule or require a rescheduling of the deposition, may be presented by telephone to the Court. The presentation of the issue and Court's ruling will be recorded as part of the deposition by the court reporter taking the deposition.

- 11.8 **INTERROGATORIES:** Except by order of the Court, a party shall, without the receipt of formal discovery requests, provide to the other parties answers to standard interrogatories and responses to standard requests for production of documents properly requested by the other parties. The responding party shall print copies of the interrogatory questions and requests for production with the respective answers and responses and serve the questions, answers, requests and responses on all parties of record. No more than thirty (30) questions, including sub parts, and thirty (30) requests for production, may be requested without leave of Court. The responding party shall have thirty (30) days from the date the letter is served in which to provide the information requested. Additional interrogatories, including case specific interrogatories, or requests for production of documents, other than those contained in this rule, may be served when appropriate.

With respect to the information that falls within the scope of the preceding section, the Court will strictly enforce these written requests for information and will not entertain objections to the production of non-privileged information sought unless it falls within the scope of K.S.A. 60-226(c). Extensions of time in which to provide this information will be granted only in extreme cases where substantial hardship exists. Failure to timely provide the information required may result in the imposition of sanctions without the necessity of a motion to compel.

RULE 12 CIVIL CASE MANAGEMENT INCLUDING PRETRIAL CONFERENCE PROCEDURE

The following rules apply to all Chapter 60 civil actions except by order of the Court upon motion. The Court upon motion may order that these rules may be supplemented by adding discovery in complex civil cases, cases involving a large number of legal issues or parties, cases in which geographic considerations may delay the discovery process or any other case which the Court finds in its discretion would not be susceptible to proper management under these rules.

- 12.1 **CASE MANAGEMENT AND SCHEDULING:** A case management conference will be held in every contested civil case with the exception of domestic relations cases. A case management checklist shall be completed by counsel of record prior to the conference. The case management checklist shall be filed with the court and copies provided to all opposing counsel no later than three (3) days before the case management conference (See

appendix B for Case Management Checklist). In addition thereto counsel for all parties shall confer in an attempt to arrive at an agreed case management order. The order shall schedule all discovery for completion. Counsel shall schedule a conference call with the Judge of the division in which the case is pending to obtain a date for a case management conference. With approval of the Court the case management conference may be conducted by telephone. The case management/scheduling order shall then be filed within ten (10) days of the conference. Counsel shall exercise reasonable efforts in attempting to agree upon a scheduling order. Failure or refusal to confer may result in the issuance of sanctions.

- 12.2 **DUTY TO CONFER ON DISCOVERY DISPUTES:** Except as otherwise ordered, the Court will not entertain any motion under K.S.A. 60-237 unless counsel for the moving party has conferred with or has made a good faith effort to confer with opposing counsel concerning the matter in dispute prior to the filing of the motion. Counsel for the moving party shall submit a certificate of compliance with this rule with any motion filed under K.S.A. 60-237. All motions filed under K.S.A. 60-237 shall be filed and served within thirty (30) days of the default or the service of the response, answer, or objection which is the subject of the motion, unless the time for the filing of such motion is extended for good cause shown, or the objection to the default, response, answer or objection shall be waived.
- 12.3 **COMPARATIVE NEGLIGENCE ACTIONS:** With respect to comparative negligence actions, if any party is claiming the fault of another individual or entity to be compared, then, if requested, an identification of such person or entity shall be made no less than thirty (30) days before the close of non-expert discovery. If no such identification is timely made, the fault of such persons or entities will not be allowed except upon motion and order of the court finding good cause as to why the identification could not have been timely. In the event this identification designates persons or entities not already investigated through discovery the court shall allow any other parties additional time in which to complete necessary discovery with respect to such individuals or entities. Nothing in this provision shall prevent any party from seeking leave of court for an earlier identification if the interests of justice so require.
- 12.4 **PRETRIAL CONFERENCE PROCEDURE:** A pretrial questionnaire from each party in the form pre-approved by the Court shall be exchanged among the parties and furnished to the Court at least seven (7) working days prior to the Pretrial Conference, for form see Appendix C. Failure to timely exchange pretrial questionnaires and submit them to the Court may result in the imposition of sanctions. Likewise, if a party fails to appear in person or by counsel at a Pretrial Conference, after notice, an ex parte hearing may be held and appropriate judgment entered. Chambers copies of all pretrial questionnaires shall be provided within the time limitations set forth above.

The parties are encouraged to agree and resolve as many issues as possible and

submit an agreed upon Pretrial Order. If issues remain in dispute they shall be set out in the Pretrial Questionnaire and will be resolved at the pretrial conference. Ordinarily discovery shall have been completed at the time of hearing. If additional witnesses or evidence are discovered after the Pretrial Conference, the discovering party shall immediately make this known to all parties and to the court in writing. Parties are not necessarily required to attend the pretrial hearing unless ordered to do so by the court. The pretrial hearing must be held at least thirty (30) days prior to trial. Objections to the Pretrial Order must be made in writing and forwarded to the court within five (5) days of the hearing.

12.4(a) The pretrial conference shall be conducted substantially in conformity with the following procedural steps:

1. The parties shall state concisely their factual contentions and the theories supporting their claims, defense, and claims for relief.
2. The parties shall state their understanding as to the issues of law.
3. The parties will inform the court as to any proposed amendments to the pleadings. The court may rule upon any proposed amendments.
4. Court and counsel will confer as to matters not disputed and requests will be made for admissions and stipulations.
2. Pending motions shall be enumerated and anticipated motions shall be stated.
3. Limitations, identification and number of experts and other witnesses shall be discussed. Supreme Court Rule 140(g)(5) requires counsel both to name witnesses, and to state the essence of their testimony, especially if those witnesses have not been deposed. Ordinarily, only witnesses listed pursuant to the pretrial order may be called to give testimony at trial. However, the court may, in its discretion, permit a party to call a witness not listed by that party or any party under such circumstances as the court deems just.
4. Exhibits intended to be offered at trial will be identified. It is not necessary that the exhibits be admitted at the pretrial conference, however, if an exhibit was not disclosed at pretrial, and listed in the order, the court may refuse its admission.
5. A determination as to whether the case is for trial to the court or to a jury shall be made. If the trial is to be to a jury a stipulation as to

the number of jurors will be entered.

6. The position of the parties relative to settlement shall be considered and the possibility of settlement explored, including the feasibility of a settlement conference, summary trial, mediation, arbitration, or other alternative methods of dispute resolution.

12.4(b) The pretrial order, when approved by the court and filed with the clerk, will control the subsequent course of the action unless modified by consent of the parties and the court, or by an order of the court to prevent manifest injustice.

12.4(c) **PUNITIVE DAMAGES REQUESTED:** K.S.A. 60-3703 requires that any motion seeking punitive damages be filed on or before the date of the pretrial conference.

12.4(d) **SANCTIONS:** Should counsel or a *pro-se* litigant fail to appear at the pretrial conference, is substantially unprepared, or fails to comply in good faith with the provisions of this rule, the court may, in its discretion impose any sanction listed in Rule 12.4(c).

12.4(e) **SUBPOENA OF BUSINESS RECORDS:** A party serving a business records subpoena pursuant to the provisions of K.S.A. 60-245a shall serve notice of the service of the subpoena on all of the other parties to the action. The subpoena shall clearly reflect that the records produced in compliance with the subpoena shall be sent to the Clerk of the District Court. If an objection is filed, the clerk shall not release any records submitted until further order of the court. In the event the non-party witness sends the documents requested to counsel rather than to the clerk, it shall be the duty of counsel to immediately forward the original documents to the clerk. Copies will be made by or under the supervision of the Court Clerk.

1. Refuse to allow support or opposition of claims and defenses
2. Prohibit the introduction of evidence by that party
3. Strike pleadings or parts of pleadings
4. Dismiss the action or any part of the same; and/or
5. Render default judgment, judgment or dismissal.

1.3

LOCAL RULES

30

- and not
- 11.8 be
- Rule 1
- Rule 2
- Rule 3
- Rule 4
- 11.9
- Rule 6
- Rule 7
- Rule 8
- Rule 9

11.10

THE DISTRICT

- 11.11
- Rule 12
- Rule 18
- 11.12
- 11.13
- 11.14
- 11.15
- 11.16
- 11.17
- 11.18
- 11.19
- 11.20
- 11.21
- 11.22
- 11.23
- 11.24
- 11.25
- 11.26
- 11.27
- 11.28
- 11.29
- 11.30
- 11.31
- 11.32
- 11.33
- 11.34
- 11.35
- 11.36
- 11.37
- 11.38
- 11.39
- 11.40
- 11.41
- 11.42
- 11.43
- 11.44
- 11.45
- 11.46
- 11.47
- 11.48
- 11.49
- 11.50
- 11.51
- 11.52
- 11.53
- 11.54
- 11.55
- 11.56
- 11.57
- 11.58
- 11.59
- 11.60
- 11.61
- 11.62
- 11.63
- 11.64
- 11.65
- 11.66
- 11.67
- 11.68
- 11.69
- 11.70
- 11.71
- 11.72
- 11.73
- 11.74
- 11.75
- 11.76
- 11.77
- 11.78
- 11.79
- 11.80
- 11.81
- 11.82
- 11.83
- 11.84
- 11.85
- 11.86
- 11.87
- 11.88
- 11.89
- 11.90
- 11.91
- 11.92
- 11.93
- 11.94
- 11.95
- 11.96
- 11.97
- 11.98
- 11.99
- 12.00

11.7

THE DISTRICT

- 11.7
- 11.8
- 11.9
- 11.10
- 11.11
- 11.12
- 11.13
- 11.14
- 11.15
- 11.16
- 11.17
- 11.18
- 11.19
- 11.20
- 11.21
- 11.22
- 11.23
- 11.24
- 11.25
- 11.26
- 11.27
- 11.28
- 11.29
- 11.30
- 11.31
- 11.32
- 11.33
- 11.34
- 11.35
- 11.36
- 11.37
- 11.38
- 11.39
- 11.40
- 11.41
- 11.42
- 11.43
- 11.44
- 11.45
- 11.46
- 11.47
- 11.48
- 11.49
- 11.50
- 11.51
- 11.52
- 11.53
- 11.54
- 11.55
- 11.56
- 11.57
- 11.58
- 11.59
- 11.60
- 11.61
- 11.62
- 11.63
- 11.64
- 11.65
- 11.66
- 11.67
- 11.68
- 11.69
- 11.70
- 11.71
- 11.72
- 11.73
- 11.74
- 11.75
- 11.76
- 11.77
- 11.78
- 11.79
- 11.80
- 11.81
- 11.82
- 11.83
- 11.84
- 11.85
- 11.86
- 11.87
- 11.88
- 11.89
- 11.90
- 11.91
- 11.92
- 11.93
- 11.94
- 11.95
- 11.96
- 11.97
- 11.98
- 11.99
- 12.00