

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	Case No. CV-05-329-S-LMB
Plaintiff,)	
)	AMENDED CASE
v.)	MANAGEMENT ORDER
)	
THE BURRITO SHOPPE LLC d/b/a)	
SQUEEZERS GIANT BURGERS,)	
)	
Defendant.)	
_____)	

On January 31, 2007, the Court held a telephone status conference at which time Plaintiffs' counsel made an oral motion to amend the Case Management Order (Docket No. 61). Defense counsel had no objection. For this reason and to further the efficient administration of this matter,

NOW THEREFORE IT IS HEREBY ORDERED that the following recitation of deadlines and procedures shall govern this litigation:

1. Amendment of Pleadings and Joinder of Parties: All motions to amend pleadings and join parties, except for allegations of punitive damages, shall be filed on or before **March 12,**

2007. This deadline shall only be extended for good cause shown.¹ All parties are entitled to know the claims and parties well-before trial rather than be forced to pursue or defend against a moving target. Although this deadline precedes the general discovery deadline, the parties are directed to send out all discovery requests that might relate to amendment or joinder enough in advance of this amendment and joinder deadline to obtain the responses needed to make an informed decision on amendment and joinder.

2. Disclosure of Experts:

a. The Plaintiff shall disclose the experts intended to be called at trial on or before

April 12, 2007.

b. The Defendant shall disclose the experts intended to be called at trial on or before

April 26, 2007.

c. All rebuttal experts shall be identified on or before **May 9, 2007**.

3. Rules Governing Disclosure of Expert Witnesses: Within the deadlines for the disclosure of expert witnesses set out above, the parties shall also provide – for each expert disclosed – the report described in Fed. R. Civ. P. 26(a)(2)(B), as modified by Local Rule 26.2(b). Supplementation to the expert witness report shall be done in accordance with Fed. R. Civ. P. 26(e)(1). Pursuant to Local Rule 26.2(b), expert witnesses will not be allowed to offer any opinion not disclosed in the mandatory Rule 26 disclosures,

¹ The Ninth Circuit has held that motions to amend filed after the Scheduling Order deadline are governed, not by the liberal provisions of Fed.R.Civ.P. 15(a) but instead, by the more restrictive provisions of Fed.R.Civ.P. 16(b) requiring a showing of “good cause.” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992).

supplementation, or deposition. This includes rebuttal experts. No undisclosed expert rebuttal opinion testimony will be allowed at trial.

4. Completion of Discovery: All discovery will be completed by **May 15, 2007**. This is a deadline for the completion of all discovery; it is not a deadline for discovery requests.

Discovery requests must be made far enough in advance of this deadline to allow completion of the discovery by the deadline date. The parties may, by stipulation, agree to defer some trial-related discovery, such as discovery related to damages issue, until after the Court has ruled on any dispositive issues.

5. Dispositive Motion Deadline: All dispositive motions shall be filed by **June 30, 2007**.

This is the critical event for case management and will dictate when the trial will be set. As set forth below, a trial setting conference will be scheduled immediately following resolution of all dispositive motions. To facilitate a prompt trial setting, the Court will make every effort to schedule oral argument within 60 days and issue a decision within 30 days after the oral argument.

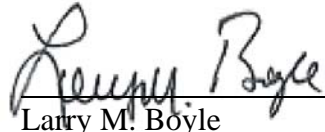
6. Scheduling of Trial and Pretrial Conference. Plaintiff's counsel shall contact the Court's staff within one week following the entry of a decision on all pending dispositive motions to make arrangements for a telephone scheduling conference in which the trial and pretrial conference shall be set. If no dispositive motion is filed, Plaintiff's counsel shall immediately contact the Court's staff within one week of the dispositive motion filing deadline to set a telephone scheduling conference.

7. If counsel has a procedural or legal question that needs to be brought to the Judge's attention, please contact Kira Dale Pfisterer, Staff Attorney, at (208) 334-9010.

8. With regard to any scheduling matters or calendar issues, please contact Lynette Case, Courtroom Deputy, at (208) 334-9023.



DATED: **January 31, 2007.**



Larry M. Boyle
United States District Court