

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

D BLOSCH CRUSHING, INC., an Idaho)	
Corporation, DAVE and MARY JO)	
BLOSCH, husband and wife,)	
)	
Plaintiffs,)	Case No. CV 05-367-E-LMB
)	
v.)	
)	ORDER
MODERN MACHINERY CO., INC., a)	
Montana Corporation,)	
)	
Defendant.)	
)	

Pursuant to District of Idaho Local Civil Rule 16.1, a scheduling conference is to be conducted within ninety (90) days after a complaint has been filed. Prior to a scheduling conference being conducted, the parties must confer and discuss the items contained in the Litigation Plan (see attached) and, after the parties have conferred regarding the Litigation Plan, they must make their initial disclosures. *See* Federal Rules of Civil Procedure 26 and D. Id. L. Civ. R. 16.1.

In addition, before this Court is able to conduct a scheduling conference, the parties must return the attached Consent to Proceed Before a United States Magistrate Judge.

THEREFORE IT IS HEREBY ORDERED:

1. The parties shall confer and discuss the items contained in the Litigation Plan within sixty (60) days of the date of this Order. Thereafter, initial disclosures shall be made.

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The parties shall comply in all respects with Federal Rule of Civil Procedure 26 and Local Rule

16.1.

2. Before this Court is able to conduct a scheduling conference, the parties must return the enclosed Consent form to the Clerk of Court.

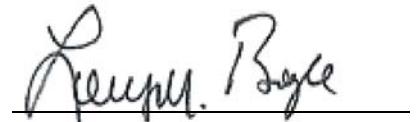
3. After the Litigation Plan and consent forms have been filed with the Clerk of Court, Plaintiff(s) shall contact Lynette Case, at (208)334-9023, for the purpose of setting a scheduling conference. A scheduling conference will not be set until after the Litigation Plan and consent forms have been filed with the Clerk of Court.

4. In the event the Litigation Plan and consent forms have not been filed within **ninety (90) days of the date of this Order**, Plaintiff(s) shall submit a written report advising the Court of the status of this case.

5. Plaintiff(s) shall also be responsible for serving this Order on any party not represented on the attached Clerk's Certificate of Mailing.



DATED: **September 22, 2005.**



Honorable Larry M. Boyle
Chief U. S. Magistrate Judge

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LITIGATION PLAN

CASE NO: _____ NATURE OF SUIT: _____

CASE NAME: _____

PARTY SUBMITTING PLAN:

Plan has been stipulated to by all parties.
 Plan has not been stipulated to, but is submitted by:

ATTORNEY: _____

REPRESENTING: _____

PROPOSED DATES (Enter specific dates, i.e. January 1, 2005, not “150 days prior to trial”):

1. **JOINDER OF PARTIES & AMENDMENT OF PLEADINGS CUT-OFF DATE:**

2. **ALTERNATE DISPUTE RESOLUTION OPTIONS - (CHECK PREFERENCE)**

MEDIATION (General Order No. 130) (Local Rule 16.5)
 ARBITRATION (General Order No. 92) (Local Rule 16.5)
 SETTLEMENT CONFERENCE (Local Rule 16.4)

3. **MEDIATION, ARBITRATION OR SETTLEMENT CONFERENCE to be held by:**

4. **EXPERT TESTIMONY DISCLOSURES: Local Rule 26.2(b)**

a. Plaintiff identify and disclose expert witnesses by: _____
b. Defendant identify and disclose experts by: _____
c. Disclosure of rebuttal experts by: _____

5. **DISCOVERY CUT-OFF DATE:** _____

6. **DISPOSITIVE MOTIONS FILING CUT-OFF DATE:** _____

This is the critical event for case management and will dictate when the trial will be set. Unless the case is resolved through dispositive motions, the case will be tried within six (6) months following this date.

7. **TRIAL DATE:** The date of the trial and the pretrial conference will be scheduled following the resolution of dispositive motions, if necessary.

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

_____,)
)
 Plaintiff(s),) Case No. CV _____
)
 v.) CONSENT TO PROCEED
) BEFORE A UNITED STATES
 _____,) MAGISTRATE JUDGE
)
 Defendant(s).)
 _____)

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed.R.Civ.P. 73, the undersigned party in the above-entitled matter hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in this case, including trial, and order the entry of a final judgment and conduct all post-judgment proceedings. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: _____

Signature

Counsel for: _____
(Name or party or indicate "pro se")