

STATE OF SOUTH DAKOTA)	IN CIRCUIT COURT
)	
COUNTY OF _____)	SEVENTH JUDICIAL CIRCUIT
)	
_____)	FILE NO
)	
Plaintiff,)	EXPEDITED CIVIL ACTION
vs.)	PRETRIAL SCHEDULING ORDER
)	
_____)	
)	
Defendant.)	

THE COURT, having heard from counsel at the status hearing held on the _____ day of _____, 201_, hereby orders the parties to comply with the following pretrial schedule in accordance with SDCL 15-6-75:

1. The JURY TRIAL in this matter is hereby set for _____, **201_**, through _____, **201_**, at the Pennington County Courthouse in Rapid City, South Dakota. Trial will commence at 8:30 a.m., with counsel appearing at _____ a.m.
2. The PLAINTIFF and DEFENDANT must designate and identify his/her EXPERT WITNESS 120 days before trial, disclosing the information required by SDCL § 15-6-26(b)(4)(A)(i).
3. The DEADLINE TO COMPLETE DISCOVERY is 60 days before trial.
4. The DEADLINE FOR FILING Motions or Motion for Summary Judgment is not later than 90 days before trial.
5. The PRETRIAL CONFERENCE and any remaining motions will be heard on _____, 201_, at ___ a.m./p.m., in Courtroom #__ of the Pennington County Courthouse in Rapid City, South Dakota.
6. At least TEN (10) DAYS BEFORE THE PRETRIAL CONFERENCE all counsel must furnish the following items in a Pretrial Conference Checklist to the Court and opposing counsel:
 - a. ISSUES REMAINING FOR TRIAL: Set forth the issues joined by the pleadings which have not been disposed of by pretrial motion or agreement of the parties.

- b. FACT SUMMARY: Set forth a brief summary of the facts the party believes will be proven by the evidence.
- c. SUBSTANTIVE, PROCEDURAL OR EVIDENTIARY ISSUES INCLUDING MOTIONS IN LIMINE: Set forth the legal questions to be addressed by the court. Attach a pretrial brief supporting your position. Identify any pending motions remaining to be disposed of
- d. WITNESSES - NATURE OF TESTIMONY AND AVAILABILITY: List witnesses, state nature of their testimony, whether a deposition or video deposition has been taken for trial.
- e. TRIAL TIME: Set forth the estimated time required for trial of the case to the 1/2 day, including impaneling of a jury, if a jury trial and if different from what was proposed at the scheduling hearing not to exceed 2 business days. Per ECA rules, each side is limited to 6 hours of case presentation, and the parties need to indicate to the court how counsel expects to use that time.
- f. JURY INSTRUCTIONS: In jury cases, counsel will submit a joint set of jury instructions, including preliminary jury instructions (if your judge uses), and a verdict form when submitting the Pretrial Conference Checklist. Each party will submit separately only those instructions that the parties do not agree upon including a fair statement of the case for the preliminary instructions consistent with SDCPJI 1-10-20.

Where applicable, use South Dakota Pattern Jury Instructions. Prepare proposed instructions in accordance with the provisions of SDCL 14-6-51(a). The source of the instructions must appear on the instructions. Include the original and one copy of the instructions with the pretrial checklist furnished to the Court. Provide copies to opposing counsel.

- g. EXHIBITS: Parties should consult with the Court Reporter for marking exhibits *prior* to commencement of the jury trial. Parties may pre-mark their exhibits themselves but they must use the marking rules outlined BELOW.

- 1) All exhibits you intend to use at trial will be marked using Arabic numbers beginning with 1, i.e., 1, 2, 3, etc.

To avoid duplication of exhibits, the parties will confer in an effort to agree upon a single exhibit list. An agreement to place

a proposed exhibit on the list does not waive a party's right to object to the proposed exhibit.

- 2) If the parties cannot agree upon a single exhibit list, then the Plaintiff will inform the Defendant of how many exhibits Plaintiff intends to list. Defendant will begin numbering Defendant's exhibits with the next higher three digit number. For example, if Plaintiff has 114 exhibits, Defendant will begin with 200. If there are multiple plaintiffs or defendants, the same system will be used proceeding in the order set forth in the caption.
 - 3) Any exhibits added during trial will be added at the end irrespective of who has offered the exhibit.
7. If there is a Pretrial Conference, then all parties must bring to the pretrial conference:
- a. Exhibits, photographs, demonstrative models, and any similar items to be used at trial, including all audio or video equipment.
 - b. Be prepared to address objections to all instructions at the pretrial conference.

This Order will not be modified except by leave of this Court upon a showing of good cause.

Dated this _____ day of _____, 20__.

BY THE COURT:

The Honorable _____
Circuit Court Judge

ATTEST:
Ranae Truman, Clerk of Courts

By _____,
Deputy

[SEAL]