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MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

ASSOCIATION OF MONTANA RETIRED PUBLIC EMPLOYEES, RUSSELL WRIGG, MARLYS HURLBERT, CAROLE CAREY, and I. EDWARD SONDENO, Plaintiffs, v. STATE OF MONTANA, MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION, PUBLIC EMPLOYEE RETIREMENT BOARD, GOVERNOR STEVE BULLOCK, in his official capacity, Defendants.	Cause No.: DDV-2013-788 **SCHEDULING ORDER**

A scheduling conference in the above-entitled action was held on February 28, 2014. Appearing telephonically for Court were Leo Berry and Chad E. Adams, counsel for Plaintiffs, and Michael G. Black, counsel for Defendants.

IT IS ORDERED:

1. Request for joinder of other parties or amendment of pleadings must be filed by **May 28, 2014**.

2. On or before **June 30, 2014**, the parties shall exchange and file their lists of lay witnesses and exhibits. Plaintiffs' exhibits shall be marked with numbers and Defendants' exhibits shall be marked with letters.

3. On or before **July 28, 2014**, Plaintiffs shall disclose expert witnesses together with, Mont. R. Civ. P. 26(b)(4), expert disclosures.

4. On or before **August 13, 2014**, Defendants shall disclose expert witnesses together with, Mont. R. Civ. P. 26(b)(4), expert disclosures.

5. On or before **August 28, 2014**, Plaintiffs shall disclose any rebuttal expert witnesses together with, Mont. R. Civ. P. 26(b)(4), the expert disclosures.

6. All discovery shall be completed by **September 29, 2014**. Completed means that interrogatories, requests for production, and requests for admissions must have been served so that the required responses are due before this date, and that depositions are completed. A discovery conference in accordance with Mont. R. Civ. P. 26(f) will be set upon motion of any party.

7. Any party filing a motion for summary judgment shall include, at the beginning of the brief, a statement of uncontested facts, cited to the record, which shall set forth in full the specific facts on which the party relies in support of the motion. Briefs must be filed in accordance with the time limits set forth in Uniform District Court Rule 2. When any motion has been fully briefed, oral argument if requested by any party has been held, and the motion is submitted for decision, **the movant must so advise the Court by filing and serving a "Notice of Submittal." Until such notice has been filed and served, the motion will not be deemed submitted for decision.** Hearing on a motion for summary judgment is deemed waived unless a written request for hearing is submitted within the time period for

filing the briefs on the motion. All pretrial motions and briefs must be filed in accordance with the First Judicial District Court Rules 5A through 5I.

8. All pretrial motions, including motion(s) *in limine* and motion(s) for summary judgment, with supporting briefs must be received and filed by the Clerk of Court on or before **October 28, 2014**; answer briefs must be received and filed by the Clerk of Court on or before **November 14, 2014**; and reply briefs must be received and filed by the Clerk of Court on or before **November 28, 2014**.

9. The Parties are ordered to conduct a formal settlement conference, with a neutral third-party settlement master no later than **December 29, 2014**. Upon completion of mediation the parties shall advise the court as to whether the merits hearing can be vacated.

10. A pretrial conference with the Court is set for **February 5, 2015**, at **1:30 p.m.** Prior to the date of the pretrial conference, all trial memoranda shall be filed.

11. The pretrial order shall be prepared by Plaintiffs, approved in form and substance by the attorneys for all parties, and filed by the date of the pretrial conference. Any issues of law included in the pretrial order must be accompanied by a brief addressing those issues and submitted simultaneously with the pretrial order. In the event of a dispute as to the content of such order, such dispute shall be presented to the Court for settlement by Plaintiffs. If, through any fault of Plaintiffs, the pretrial order is not signed and filed by the above date, **the trial setting will be vacated**. The Court will consider the imposition of sanctions against any party failing to cooperate.

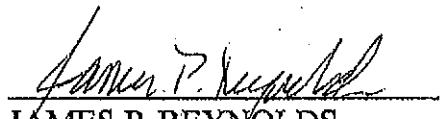
12. All parties shall file with the court, and serve proposed findings of fact and conclusions of law upon all opposing parties no later than

February 3, 2015. Failure to file proposed findings of fact and conclusions of law in a timely matter shall be cause for appropriate sanction including removal of the case from the trial calendar, dismissal or granting of a judgment, precluding the offending party from presentation of evidence or objecting to evidence submitted by the other party, or such other action as the court deems appropriate. (*See* Uniform District Court Rule 8.)

13. A four-day non-jury trial is set for **February 10, 2015**, at **9:00 a.m.** This is a first case setting on the Court's calendar.

14. This schedule shall not be modified except by leave of the Court upon a showing of good cause. Sanctions, when required, will be imposed by the Court in accordance with Rules 16(f) and 37(g), M.R.Civ.P.

DATED this 3 day of March 2014.



JAMES P. REYNOLDS
District Court Judge

c: Leo Berry/Chad E. Adams/Jessie L. Luther
Timothy C. Fox/Michael G. Block/J. Stuart Segrest

JPR/d