

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

COMMUNITY HOUSE, INC., MARLENE K.  
SMITH, GREG A. LUTHER, and JAY D.  
BANTA,

Plaintiffs,

v.

CITY OF BOISE, IDAHO, DAVID H.  
BIETER, Mayor; BOISE CITY COUNCIL;  
MARYANN JORDAN, ELAINE CLEGG,  
VERNON BISTERFELDT, DAVID EBERLE,  
JEROME MAPP, and ALAN SHEALY, Boise  
City Council Members; BRUCE  
CHATTERTON, Director, Planning and  
Development Services; JIM BIRDSALL,  
Manager, Housing and Community  
Development,

Defendants.

Case No. 1:CV 05-283-BLW

**ORDER**

The Court has before it a motion by defendants to allow further briefing.

Essentially, the defendants seek another round of dispositive motions. This case is now almost six years old, and the Court cannot allow the delay that would accompany another round of motions. Accordingly, the Court will deny the motion and set this case for trial.

The Court has advised counsel that a visiting Judge may preside over the trial. The Court is currently in the process of obtaining a visiting Judge, and will notify counsel as soon as one is obtained.

**Memorandum Decision & Order - 1**

NOW THEREFORE IT IS HEREBY ORDERED, that the motion to allow further motions (docket no. 279) is DENIED.

IT IS FURTHER ORDERED, that trial in this case is set for October 11, 2011, at 9:30 a.m. in the Federal Courthouse in Boise Idaho.

IT IS FURTHER ORDERED, that a pretrial conference will be held on September 20, 2011, at 3:00 p.m. by telephone with the plaintiff to initiate the call.

IT IS FURTHER ORDERED, that:

Witness Lists: The parties shall exchange witness lists on or before September 6, 2011. The witness lists shall contain the material listed in F.R.C.P. 26(a)(3)(A)&(B), and shall include a full summary, not just the subject, of the witnesses' expected testimony.

Exhibit Lists, Exhibits, Proposed Voir Dire, Proposed Jury Instructions, Trial Briefs and Motions in Limine: All exhibit lists, proposed voir dire, proposed jury instructions, trial briefs, and motions in limine shall be filed with the Court on or before September 6, 2011. On the same date the parties shall exchange all trial exhibits, but shall not provide them to the Court until the day of trial.

Settlement/Mediation Deadline: The parties shall notify the Court on or before August 26, 2011, that the case has either settled or will definitely go to trial.

IT IS FURTHER ORDERED, that the Court will notify counsel as soon as the

Court obtains a visiting Judge to preside over the trial of this case, and that this schedule may be modified by that Judge.



DATED: **June 22, 2011**

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

Honorable B. Lynn Winmill  
Chief U. S. District Judge