

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

THE UNITED STATES OF AMERICA,  
ex rel. CHARLES W. HOUP,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 4:17-cv-377-CWD

**CASE MANAGEMENT ORDER  
(STANDARD TRACK)**

In accordance with the agreements reached in the telephone scheduling conference held between counsel and the Court on April 5, 2018, and to further the just, speedy, and inexpensive determination of this matter,

**NOW THEREFORE IT IS HEREBY ORDERED** that the following deadlines and procedures will govern this litigation:

1. Dispositive Motion Deadline: All dispositive motions, including motions for punitive damages, must be filed by **January 4, 2019**.<sup>1</sup>
2. Amendment of Pleadings and Joinder of Parties: Motions to amend pleadings and join parties, except for allegations of punitive damages, must be filed on or before **October 8, 2018**. This deadline will be extended only for good cause shown.<sup>2</sup>
3. Alternative Dispute Resolution: The parties have chosen to participate in a **judicially supervised settlement conference**. ADR must be held by **November 1, 2018**. Within seven (7) days of this Order, the parties are directed to contact Keith Bryan, the ADR Coordinator, at (208) 334-9067, so that he may assign a settlement conference judge and schedule a date for the settlement conference.
4. Discovery Plan: All discovery must be in accordance with the Federal Rules of Civil Procedure, the Local Rules for the District of Idaho, and the parties' joint discovery plan which is incorporated herein by reference.

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<sup>1</sup> It is this Court's policy to accept only one (1) motion to dismiss and one summary judgment motion per party. If it appears, due to the complexity or numerosity of issues presented, that counsel is unable to address all issues within the twenty-page (20) limit for briefs, Dist. Idaho Loc. R. 7.1(b)(1), then it is appropriate to file a motion for permission to file an over-length brief, rather than filing separate motions for each issue. The Court prefers reviewing one over-length brief in support, one over-length brief in response, and one 10-page reply brief, if any, rather than the panoply of briefs that are generated when multiple motions are filed.

<sup>2</sup> 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).

5. Clawback: Pursuant to Fed. R. Evid. 502(d), and Section VIII(a) of the parties' stipulated discovery plan, it is hereby **ORDERED** that production of a privileged or work-product-protected document, whether inadvertent or otherwise, is not a waiver of privilege or work-product protection in this case or in any other federal or state proceeding.
6. Completion of Fact Discovery: All fact discovery must be completed by **March 8, 2019**. This is a deadline for the completion of all fact 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.
7. Disclosure of Experts:
  - a. **Plaintiff** must disclose the experts intended to be called at trial on or before **January 7, 2019**.
  - b. **Defendant** must disclose the experts intended to be called at trial on or before **February 8, 2019**.
  - c. **Plaintiff** must disclose rebuttal experts intended to be called at trial on or before **February 22, 2019**.
  - d. **ALL** discovery relevant to experts must be completed by: **March 29, 2019**.

8. Scheduling of Trial and Pretrial Conference. Plaintiff's counsel must contact courtroom deputy **Amy Tate** within one week following the entry of a decision on all pending dispositive motions to make arrangements for a telephonic trial setting conference with the Court to set pre-trial and trial deadlines. If no dispositive motion is filed, Plaintiff's counsel must immediately contact the courtroom deputy within one week of the dispositive motion filing deadline to set a telephonic trial setting conference.
9. Law Clerk: The law clerk assigned to this case is **Kirsten Wallace**, and may be reached at (208) 334-9331. If this case is later reassigned or referred to another judge, consult the [Judges' webpage](#)<sup>3</sup> for the judges' staff directory.
10. Discovery Disputes:
  - a. The parties will strictly comply with the meet and confer requirements of [Local Rule 37.1](#) prior to filing any discovery motions.
  - b. The parties are to refer to the [Judge's web page](#)<sup>4</sup> for specific instructions regarding how the Judge handles discovery disputes.
  - c. Prior to filing any discovery motions, counsel must certify, not only that they have complied with [Local Rule 37.1](#), but that they have complied with the Judge's discovery dispute procedures.

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<sup>3</sup> <http://id.uscourts.gov/district/judges/Welcome.cfm>

<sup>4</sup> <http://id.uscourts.gov/district/judges/Welcome.cfm>

11. The Court will conduct a **telephonic status conference** with the parties **on June 21, 2019 at 9:00 AM Mountain Time** for the purpose of inquiring about the status of discovery. Plaintiff must initiate the conference call by placing it to (208) 334-9945 and must have all appropriate parties on the line. Additional status conferences may be set by the Court at a later time.
12. Calendaring Clerk: Scheduling matters and calendar issues may be directed to **Amy Tate**, who may be reached at (208) 334-9387. If the case is later reassigned or referred, please consult the [Judges' web](#) page for a staff directory.
13. Docketing Clerk: If you have a docketing or filing question, please contact a [docket clerk](#)<sup>5</sup> at (208) 334-1361.



DATED: April 5, 2018

A handwritten signature in black ink, appearing to read "C. Dale", is written over a horizontal line.

Honorable Candy W. Dale  
United States Magistrate Judge

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<sup>5</sup> The Clerk's office staff directory may be found on the Court's webpage:  
[http://id.uscourts.gov/district/attorneys/DocketingCourtroom\\_Dep.cfm](http://id.uscourts.gov/district/attorneys/DocketingCourtroom_Dep.cfm)