

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

_____)	
Bobbie Lynn Smith,)	C.A. No. 4:13-cv-02901-RBH-TER
))	
Plaintiff,)	
))	
v.)	
))	
Town of Kingstree, Dan Wells, Ricky)	
Burrows, Robert Ford, and Freddy Davis in)	
their official and individual capacities,)	
))	
Defendants.)	

_____)	
Steven Boston,)	C.A. No. 4:13-cv-02232-RBH-TER
))	
Plaintiff,)	
))	
v.)	
))	
Town of Kingstree, Dan Wells, Ricky)	
Burrows, Robert Ford, and Freddy Davis in)	
their official and individual capacities,)	
))	
Defendants.)	

**ORDER CONSOLIDATING CASES FOR
DISCOVERY AND REVISING SCHEDULING ORDER**

On joint motion of the parties, these cases are hereby consolidated for discovery purposes. Smith v. Town of Kingstree, et al. will be the lead case and all documents filed in Smith will be spread to Boston v. Town of Kingstree, et al. The remaining deadlines established by the court’s scheduling order in Boston v. Town of Kingstree, et al. are hereby revised to reflect the same deadlines established by the court’s scheduling order in Smith v. Town of Kingstree, et al., as

follows:

6. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel* has been disclosed to other parties by **March 24, 2014**. *NOTE: Amendments effective December 1, 2010, impose new disclosure requirements for certain expert witnesses.
7. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **March 24, 2014**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. See Fed.R.Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3).
8. Discovery shall be completed no later than **May 21, 2014**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. **No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02, and have had a telephone conference with Judge Rogers in an attempt to resolve the matter informally.**
9. All dispositive motions, Daubert motions, and all other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial (other than Daubert motions), shall be filed on or before **June 5, 2014**. See below ¶ 12 for motions in limine deadline.
10. Mediation, pursuant to Local Civil Rules 16.04 – 16.12, shall be completed in this case on or before **August 4, 2014**. See Standing Order to Conduct Mediation, which sets forth mediation requirements and is found on the court's website under Judge Harwell's forms (<http://www.scd.uscourts.gov>). At least **thirty (30) days prior to this mediation deadline**, counsel for each party shall file and serve a statement certifying that counsel has: (1) provided the party with a copy of Standing Order to Conduct Mediation; (2) discussed the availability of mediation with the party; and (3) discussed the advisability and timing of mediation with opposing counsel.
11. No later than **August 19, 2014** the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(6).
12. Motions in limine must be filed at least three weeks prior to **October 6, 2014**.
13. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for jury

selection (Local Civil Rule 26.05).⁷ Attorneys shall meet at least seven (7) days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. *See* Local Civil Rule 26.07.(Attorneys are reminded to view the Court's instructions online regarding verdict forms, jury instructions, deposition designations, etc. that may be applicable to their case.)

14. This case is subject to being called for jury selection and/or trial on or after **October 6, 2014**.

The parties' attention is specifically directed to Local Rule 5.03 regarding the filing of confidential material. The parties' attention is also directed to the Court's website regarding instructions or other orders that may be applicable to your case.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

Dated: March 12, 2014
Florence, South Carolina

⁷Judge Harwell requires that pretrial briefs information found in LCR 26.05 (A)-(M) be submitted only to the Judge's chambers; however, pretrial brief information contained in LCR 26.05(N)-(O) shall be served on opposing parties.