

Re:  
Case Number:

**ORDER**

**DEADLINES FOR THE EXCHANGE OF WITNESSES  
AND CUTOFF OF DISCOVERY**

For good cause shown,

IT IS ORDERED that in preparation for the disposition of this case, counsel for the parties shall:

1. Disclose to other counsel in the case by \_\_\_\_\_, 19\_\_\_\_, the names of all witnesses whom counsel expect to call at trial.
  - a. This exchange of witness names shall be in writing, and each side is to serve on opposing counsel and *file* a copy of its list with the court. Counsel are expected to disclose the names of *all* their potential witnesses, including expert witnesses, rebuttal witnesses, impeachment witnesses, and any other witnesses counsel anticipate they might call at trial.
  - b. Counsel should attempt to identify each witness by name. However, if the witness is someone whose personal identity is not truly relevant, such as a custodian of records, a description of the witness' identity may be given; the description should be detailed enough to apprise other counsel of the general nature of the witness' prospective testimony.
  - c. A lawyer who fails to name a witness does so at his or her own peril; upon objection, a previously undisclosed witness will not be permitted to testify where there is a showing of actual surprise and prejudice persuades the court that the interest of justice requires that the unnamed witness be barred from testifying.
  - d. If done *promptly* (i.e. within 3 days) after receipt of an opponent's list, a lawyer may modify his own list if he or she determines that the testimony of an additional witness or witnesses is necessary because of disclosures learned from an opponent's list. The revised list should be served on opposing counsel and filed with the court.

- e. Nothing in this scheduling order is intended to supplant the provisions in Local Rule 7.07(d) and Rule 26(a), Federal Rules of Civil Procedure for the filing of expert reports.
2. Complete the discovery in this case by \_\_\_\_\_, 19\_\_\_\_.
- a. This contemplates that *all* discovery is to be totally completed by that date.
- b. If counsel wish to pursue a type of discovery that requires a period of time to complete, such as interrogatories, they must allow sufficient time so that an opponent or any other interested party can reasonably complete the discovery by the deadline.
- c. Counsel should comply with the discovery procedures identified in Local Rules 7.02 - 7.12.
3. File a pretrial report pursuant to Local Rule 7.06 at least three days before the scheduled date of the pretrial conference. The pretrial report shall be in the form set forth by Local Rule 7.06, except that if the matter is set for a jury trial, the parties shall, in addition, submit proposed jury instructions on *all* issues.

The deadlines designated in paragraphs 1 and 2 above may not be modified without the approval of the court. Counsel for any party may move for modification of these deadlines. If counsel for all the parties stipulate to an extension of time, such stipulation will be considered by the court but is not controlling.

  
United States District Judge