

and 1.507; making minor wording changes to clarify parts of the comments to rules 1.500(3)(a) and (b); clarifying the last sentence of the comment to rule 1.507; clarifying the last two sentences of rule 1.906; and adding a comment to rule 1.906.

3. Rule 1.901—Form 18 and Rule 23.5—Forms 1-3: Removing “Order” from form titles and internal form references; and revising instructional language on the forms to accommodate this change.

Pursuant to the provisions of Iowa Code section 602.4202, the revisions identified in this order, with the ECA rule, discovery amendments, chapter one forms, and chapter 23 rule amendments and forms, will take effect January 1, 2015. All actions filed on or after January 1, 2015, will be subject to the new rules and forms.

In addition, as set forth previously in the court’s August 28 order, the discovery amendments will apply to all previously-commenced cases *pending* on or after January 1, 2015, except for Iowa R. Civ. P. 1.500 (required disclosures), Iowa R. Civ. P. 1.505(1) (timing of discovery), Iowa R. Civ. P. 1.507 (discovery conference), Iowa R. Civ. P. 1.508 (expert discovery), and Iowa R. Civ. P. 1.906 (civil trial setting conference), provided further that the district court may in any case direct the parties to comply with all or part of those rules as part of a pretrial order. Furthermore, the district court may, upon stipulation of the parties, direct that an action commenced prior to January 1, 2015, proceed as an expedited civil action.

Dated this 30th day of October, 2014.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice

**CHAPTER 1
RULES OF CIVIL PROCEDURE**

.....

**DIVISION II
ACTIONS, JOINDER OF ACTIONS, AND PARTIES**

.....

[New Rule]

G. EXPEDITED CIVIL ACTIONS

Rule 1.281 Expedited civil actions

1.281(1) *General provisions.*

.....

d. Iowa Rules of Civil Procedure otherwise apply. Except as otherwise specifically provided by this rule, the Iowa Rules of Civil Procedure are applicable to expedited civil actions. Iowa Court Rule 23.5—Form 3: Trial Scheduling ~~Order~~ and Discovery Plan for Expedited Civil Action must be used for expedited civil actions in lieu of Form 2 of rule 23.5.

.....

1.281(4) *Procedure for expedited trials.*

.....

f. Time limit for trial. Expedited civil actions should ordinarily be submitted to the jury or the court within two business days from the commencement of trial. Unless the court allows additional time for good cause shown, each side is allowed no more than six hours to complete jury selection, opening statements, presentation of evidence, examination and cross-examination of witnesses, and closing arguments. Time spent on objections, bench conferences, and challenges for cause to a juror is not included in the time limit.

**CHAPTER 1
RULES OF CIVIL PROCEDURE**

....

**DIVISION V
DISCOVERY AND INSPECTION**

Rule 1.500 Duty to disclose; required disclosures.

....

1.500(2) Disclosure of expert testimony.

d. Time to disclose expert testimony. A party must make these disclosures at the times and in the sequence set forth in the court's trial scheduling order. If not otherwise ordered, expert disclosures shall be due:

(1) No later than 90 days before the date set for trial; or

(2) Within 30 days after the other party's disclosures if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under rule 1.500(2)(b) or (c).

....

Comment:

Rule 1.500 (2)(d). The rule contemplates that in many, if not most, cases, scheduling of disclosure of expert testimony will be governed by a trial scheduling order. *See* Iowa R. Civ. P. 1.907; Iowa Ct. R. 23.5—Form 2: Trial Scheduling Order and Discovery Plan.

1.500(3) Pretrial disclosures.

a. In general. In addition to the disclosures required by rules 1.500(1) and 1.500(2), a party must provide to the other parties and promptly file the following information about the evidence the party may present at trial other than evidence to be used solely for impeachment:

(1) The name and, if not previously provided, the address, telephone numbers, and electronic mail address of each witness, separately identifying the witnesses the party expects to present and those the party may call if the need arises.

(2) The page and line designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.

(3) An identification of each document or other exhibit, including summaries of other evidence, separately identifying those items the party expects to offer and those it may offer if the need arises.

b. Time for pretrial disclosures; objections. Pretrial disclosures must be made at least 14 days before trial. This deadline may be modified by order of the court or stipulation of the parties, provided, however, that the parties may not stipulate to a pretrial disclosure deadline of less than 7 days before trial. A party may serve and promptly file a list of the following objections: any objections to the use under rule 1.704 of a deposition designated by another party under rule 1.500(3)(a)(2), and any objection, together with the grounds for it, that may be made to the admissibility of materials identified under rule 1.500(3)(a)(3). Objections must be served and filed within 7 days of the pretrial disclosures, or within 4 days if the pretrial disclosure deadline is less than 10 days before trial, unless the court directs otherwise. An objection not so made, except for one under Iowa Rule of Evidence 5.402 or 5.403, is waived unless excused by the court for good cause.

c. Duty to supplement unaffected. Rule 1.500(3) does not affect the obligation of a party to timely supplement disclosures and discovery responses as required by rule 1.503(4)(a)(2).

Comment:

Rules 1.500(3)(a) and 1.500(3)(b). Rules 1.500(3)(a) and (b) mirror Federal Rule of Civil Procedure 26(a)(3). The duty to disclose final trial witnesses, deposition testimony, and exhibits is governed by the Time Standards for Case Processing in rule 23.5 of the Iowa Court Rules. Rule 23.5 is mandatory and applies to all civil actions. This rule incorporates into the Iowa Rules of Civil Procedure the duty to make pretrial disclosures. Iowa Court Rule 23.5—Form 2: Trial Scheduling ~~Order~~ and Discovery Plan, implements these and other scheduling deadlines.

Rule 1.500(3)(b). The federal rules require that pretrial disclosures occur within at least 30 days ~~of~~ before trial and that objections occur within 14 days thereafter. Former rule 23.5—Form 2 of the Iowa Court Rules imposed a later deadline, requiring disclosure of all witness and exhibit lists at least 7 days before trial, with objections due within 5 days thereafter (2 days before trial). Requiring pretrial disclosures 30 days before trial could result in unnecessary time and effort. The former 7 day deadline, however, may have been in some circumstances too close to trial. Rule 1.500(3)(b) requires parties to make pretrial disclosures two weeks in advance of trial, unless they stipulate to a different deadline, which cannot be less than one week before trial. The rule also gives opposing parties one week thereafter to respond, unless the disclosure deadline was less than 10 days before trial. Iowa Court Rule 23.5—Form 2: Trial Scheduling ~~Order~~ and Discovery Plan reflects these changes.

....

1.507(3) Discovery plan. The discovery plan will be included in Iowa Court Rule 23.5—Form 2: Trial Scheduling ~~Order~~ and Discovery Plan, and except as otherwise ordered by the court, a discovery plan must state the parties' views and proposals on the following:

a. Changes that should be made in the timing, form, or requirement for disclosures under rule 1.501(1), including a statement of when initial disclosures were made or will be made.

b. Subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.

c. Issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which the information should be produced.

d. Issues about claims of privilege or of protection as trial preparation materials, including— if the parties agree on a procedure to assert these claims after production—whether to ask the court to include the parties’ agreement in an order under Iowa Rule of Evidence 5.502.

e. Changes that should be made to the limitations on discovery imposed under these rules, and other limitations that should be imposed.

f. Any other orders that the court should issue under rule 1.504 or under rule 1.602.

1.507(4) Pretrial conference. Following the parties’ discovery conference, any party may request the court to convene a pretrial conference under rule 1.602 to resolve any objection or disputed issue identified in the parties’ discovery plan.

Comment:

Rule 1.507. The rule is substantially rewritten to provide that parties, including pro se litigants, have a duty to confer early in a case and cooperate in framing a discovery plan to submit to the court. The rule is patterned on the federal attorney conference rule, Federal Rule of Civil Procedure 26(f). Rule 1.507 envisions that the discovery conference will occur ~~on or~~ before the rule 1.906 trial-setting conference. The parties must submit the discovery plan within 7 days ~~of~~ after the ~~trial-setting~~ discovery conference, and initial disclosures are due within 14 days after ~~of~~ the discovery conference.

....

DIVISION IX
TRIAL AND JUDGMENT

....

Rule 1.906 Civil trial-setting conference. No later than 21 days after any defendant has answered or appeared, the clerk shall provide a notice of civil trial-setting conference to all parties not in default. The clerk shall use [Iowa Court Rule 23.5—Form 1: Notice of Civil Trial-Setting Conference](#), to provide the notice. The notice shall schedule a trial-setting conference no earlier than 35 days after and no later than 50 days after any defendant has answered or appeared. The parties are responsible for obtaining a timely trial-setting conference regardless of whether a party receives notice of the trial-setting conference. Failure to receive notice shall not be grounds to avoid dismissal under rule 1.944. A party may move for an earlier trial-setting conference upon giving notice to all parties. The court and the parties shall use [Iowa Court Rule 23.5—Form 2: Trial Scheduling Order and Discovery Plan to set the trial date](#). If a trial is continued, the court shall set the trial to a date certain. ~~Unless otherwise ordered, the all previous deadlines established in the trial scheduling order shall~~ will continue to apply to the case.

Comment:

Rule 1.906. Following receipt of the parties' Trial Scheduling and Discovery Plan and after the trial-setting conference, it is contemplated that the district court or its designee will enter an order scheduling trial. This order would also approve, supplement, or modify the terms of the Trial Scheduling and Discovery Plan as needed.

Rule 1.1901—Form 18: Joint Motion to Proceed as an Expedited Civil Action

In the Iowa District Court for _____ County	
<p>_____</p> <p>Plaintiff <i>Full name of Plaintiff: first, middle, last</i></p> <p>VS.</p> <p>_____</p> <p>Defendant <i>Full name of Defendant: first, middle, last</i></p>	<p>Civil case no. _____</p> <p style="text-align: center;">Joint Motion to Proceed as an Expedited Civil Action</p>

1. Pursuant to Iowa Rule of Civil Procedure 1.281(1)(f), the parties hereby move upon stipulation that this action proceed as an Expedited Civil Action.
2. All parties agree to this motion.
3. If the court grants this joint motion, the parties acknowledge and agree that this case will be subject to the Expedited Civil Action rule (Iowa R. Civ. P. 1.281), except for any limitations on damages set forth in the rule.

Status of Trial Scheduling Order and Discovery Plan: *Check one*

- The parties have already filed a Trial Scheduling ~~Order~~ and Discovery Plan. This case has a current trial date of _____. The parties wish to retain that trial date. The parties acknowledge and agree that in the event of any conflict between the existing Trial Scheduling ~~Order~~ and Discovery Plan and Iowa Rule of Civil Procedure 1.281, the deadlines in rule 1.281 will apply.
- The parties will be filing a Trial Scheduling ~~Order~~ and Discovery Plan in an Expedited Civil Action case.

I certify that all parties and attorneys to this action have agreed to this Joint Motion and have been served with a copy.

_____, 20____	_____		
<i>Signed: Month Day Year</i>	<i>Party's or attorney's signature</i>		
_____	_____		
<i>Printed name</i>	<i>Attorney's law firm, if applicable</i>		
_____	_____	_____	_____
<i>Mailing address</i>	<i>City</i>	<i>State</i>	<i>ZIP code</i>
(_____) _____	_____	_____	_____
<i>Phone number</i>	<i>Email address</i>	<i>Additional email address, if applicable</i>	

Rule 23.5—Form 1: Notice of Civil Trial-Setting Conference

In the Iowa District Court for _____ County

Plaintiff(s) / Petitioner(s)
Full name: first, middle, last
vs.

Defendant(s) / Respondent(s).
Full name: first, middle, last

No. _____
Notice of Civil Trial-Setting Conference

Use of this form is mandatory

To the parties or their attorneys of record:

In accordance with Iowa Rule of Civil Procedure 1.906, notice is hereby given that this case has been set for trial-setting conference on * _____, 20____, at _____:____. a.m. p.m.
Month Day Year Time
before _____ at _____.
Person Location

**This date shall be no earlier than 35 days after and no later than 50 days after any defendant has answered or appeared unless set sooner by special order on application of one or more parties.*

This conference shall be held: *Check one*

- By telephone with the conference call to be initiated by _____.
Person who will initiate the call
The court administrator will be connected to the call at (_____) _____.
Phone number of court administrator
 In person.

Attorneys for all parties appearing in the case shall participate at this conference. A party will participate in person if the party does not have an attorney.

At this trial-setting conference, every case will be set for trial within the time periods provided by Iowa Court Rules chapter 23, Time Standards for Case Processing.

Prior to the trial-setting conference, the parties must file a Trial Scheduling ~~Order~~ and Discovery Plan, Iowa Court Rule 23.5—Form 2 (Form 3 for Expedited Civil Actions).

In judicial districts that allow it, the parties may, in lieu of holding a trial-setting conference, first file their Trial Scheduling ~~Order~~ and Discovery Plan and then, prior to the date scheduled for the trial-setting conference, obtain a trial date from the court administrator administration that complies with the provisions of chapter 23. ~~The date will be entered by the court on the Trial Scheduling Order and Discovery Plan.~~

The trial date that is agreed upon at this conference will be a firm date. Continuances will not be granted, even if all parties agree, unless for a crucial cause that could not have been foreseen.

The clerk of court will notify all counsel of record and parties not represented by counsel.

Dated this _____ day of _____, 20____. _____
Day Month Year Clerk of Court or District Court Administrator

Rule 23.5—Form 2: Trial Scheduling ~~Order~~ and Discovery Plan

Do not file this form in an Expedited Civil Action case, instead use Form 3.

- This form is to be filed within 7 days after the parties' discovery conference and before the trial-setting conference with the court.
- The parties should complete the entire form except as otherwise indicated.

In the Iowa District Court for _____ County

<p>_____</p> <hr/> <p>Plaintiff(s) / Petitioner(s) <i>Full name: first, middle, last</i></p> <p>vs.</p> <p>_____</p> <hr/> <p>Defendant(s) / Respondent(s). <i>Full name: first, middle, last</i></p>	<p>No. _____</p> <p style="text-align: center;">Trial Scheduling Order and Discovery Plan</p> <p style="text-align: center;"><i>Use of this form is mandatory</i></p> <p>Date Petition filed: _____ / _____ / _____ <i>mm</i> <i>dd</i> <i>yyyy</i></p> <p>Case type: <input type="checkbox"/> Law <input type="checkbox"/> Equity <input type="checkbox"/> Other <input type="checkbox"/> PCR <input type="checkbox"/> Judicial Review</p> <p>Trial type: <input type="checkbox"/> Jury <input type="checkbox"/> Nonjury</p> <p>Expected trial length: _____ days</p> <p>The amount in controversy exceeds \$10,000. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
---	--

Appearances:

Plaintiff(s) / Petitioner(s)

Defendant(s) / Respondent(s)

It is ordered:

1. Trial *Note to parties: ~~Leave~~ Unless you have obtained a trial date from court administration, leave this date blank; ~~The~~ the court will enter the date by order after the trial-setting conference.* a.m.

Trial of this case is set for _____, 20____, at _____:_____. p.m.
Month *Day* *Year* *Time*

in the district court in the courthouse of the county named above.

2. Pretrial conference *Check one. Note to parties: If box A is checked, leave the date blank unless you have obtained a pretrial conference date from court administration. If you do not have a pretrial conference date and check box A, ~~The~~ the court will enter the date by order after the trial-setting conference.* a.m.

A. A pretrial conference will be held on _____, 20____, at _____:_____. p.m.
Month *Day* *Year* *Time*

The conference may be held telephonically with prior approval of the court.

B. A pretrial conference will be held upon request.

If you need assistance to participate in court due to a disability, contact the disability coordinator at: (_____) _____. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). Disability coordinators cannot provide legal advice. Disability coordinator contact information available at: http://www.iowacourts.gov/Administration/Directories/ADA_Access/

3. New parties

No new parties may be added later than 180 days before trial or ____ / ____ / ____.
mm dd yyyy

4. Transcripts and records

All required agency records or prior criminal transcripts will be filed within 30 days of the date of this ~~order~~ Plan or by ____ / ____ / ____.
mm dd yyyy

5. Pleadings

Pleadings will be closed 60 days before trial or ____ / ____ / ____.
mm dd yyyy

6. Initial disclosures *Check all that apply*

- A. The parties have exchanged initial disclosures.
- B. The parties will provide initial disclosures no later than _____.
- C. The parties have stipulated that the following will not be included in initial disclosures:

List items not included

- D. The parties have stipulated not to provide any initial disclosures.
- E. The following party objects to providing initial disclosures on the following grounds:

Identify the party and state all applicable grounds

7. Discovery

The parties have held a discovery conference as required by Iowa Rule of Civil Procedure 1.507.

All written discovery will be served no later than 90 days before trial. All depositions will be completed no later than 60 days before trial. Or, all discovery will be completed by

____ / ____ / ____.
mm dd yyyy

Check all that apply

- A. No discovery of electronically stored information is expected in this case.
- B. The parties have conferred about discovery of electronically stored information and reached agreement as set out in Attachment ____.
- C. The parties have conferred about discovery of electronically stored information and have been unable to reach an agreement. *Note to parties: If box C is checked, the parties should contact the court to obtain leave the following information blank unless the parties have obtained a hearing date, time, and location, and insert that information below from court administration.*

A hearing is set for ____ / ____ / ____, at: ____: ____ a.m.
mm dd yyyy Time p.m.

at the _____ County Courthouse, courtroom _____, or
County Courtroom number

at the following location: _____.

- D. The parties have agreed to a discovery plan, and their agreement is set forth in Attachment ____.
- E. The parties have agreed to deviate from the limits on discovery otherwise applicable to this action, and their agreement is set forth in Attachment ____.

- F. The parties have agreed to conduct discovery in phases, and their agreement is set forth in Attachment ____.
- G. The parties have ~~agreed to an order~~ reached an agreement under Iowa Rule of Evidence 5.502 as set forth in Attachment ____.
- H. The parties have ~~agreed to an order~~ reached an agreement under Iowa Rule of Civil Procedure 1.504 as set forth in Attachment ____.
- I. The parties have conferred about a discovery plan and have been unable to reach agreement on the issues set forth in Attachment _____. *Note to parties: If box I is checked, the parties should contact the court to obtain _____ leave the following information blank unless the parties have obtained a hearing date, time, and location, and insert that information below from court administration.*

A hearing is set for _____ / _____ / _____, at: _____: _____ a.m.
mm dd yyyy Time p.m.

at the _____ County Courthouse, courtroom _____, or
County Courtroom number

at the following location: _____.

8. Expert Witnesses witnesses

A. A party who intends to call an expert witness, including rebuttal expert witnesses, shall certify to the court and all other parties the expert's name, subject matter of expertise, and qualifications, within the following time period, unless the Iowa Code requires an earlier designation date (see, e.g., Iowa Code section 668.11):

- (1) Plaintiff: 210 days before trial or _____ / _____ / _____.
mm dd yyyy
- (2) Defendant/Third Party Plaintiff: 150 days before trial or _____ / _____ / _____.
mm dd yyyy
- (3) Third Party Defendant/Others/Rebuttal: 90 days before trial or _____ / _____ / _____.
mm dd yyyy

B. Any disclosures required by Iowa Rule of Civil Procedure 1.500(2)(b) will be provided:
Check each that applies

- (1) At the same time the expert is certified.
- (2) According to the following schedule:
 - a. Plaintiff: _____ / _____ / _____.
mm dd yyyy
 - b. Defendant/Third Party Plaintiff: _____ / _____ / _____.
mm dd yyyy
 - c. Third Party Defendant/Others/Rebuttal: _____ / _____ / _____.
mm dd yyyy

C. This section does not apply to court appointed experts.

The deadlines listed in paragraphs 5, 6, 7, and 8 may be amended, without further leave of court, by filing a Stipulated Amendment to ~~Scheduling Order with the clerk~~ this Plan listing the dates agreed upon and signed by all attorneys and self-represented litigants. Such ~~an~~ Stipulated Amendment may not override any requirement of the Iowa Court Rules and cannot serve as a basis for a continuance of the trial date or affect the date for pretrial submissions.

9. Pretrial submissions

At least **14 or ____ (no more than 7) days before trial**, counsel for the parties and self-represented litigants must:

- A. File a **witness and exhibit** list with the clerk of court, serve a copy on opposing counsel and self-represented litigants, and exchange exhibits. In electronic cases, witness and exhibit lists must be electronically filed, and the EDMS system will serve copies on all registered parties. Exhibits must be electronically submitted in lieu of exchanging them. These disclosures must include the following information about the evidence that the disclosing party may present at trial other than solely for impeachment:
- (1) The name and, if not previously provided, the address, telephone numbers, and electronic mail address of each witness, separately identifying those the party expects to present and those the party may call if the need arises.
 - (2) The page and line designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.
 - (3) An identification of each document or other exhibit, including summaries of other evidence, separately identifying those items the party expects to offer and those it may offer if the need arises. The following rules govern exhibits and exhibit lists:
 - a. Plaintiff will use numbers and Defendant will use letters. Pretrial exhibit lists will identify each exhibit by letter or number and description. Exhibits must be marked before trial.
 - b. Immediately before commencement of trial, the court must be provided with a bench copy, and the court reporter with a second copy, of the final exhibit list for use in recording the admission of evidence.
 - c. In nonjury cases, immediately before commencement of trial, parties must provide the court with a bench copy of all exhibits identified on the exhibit lists.
 - d. Within 7 days after the filing of an exhibit list, or within 4 days if the deadline for filing of the list is less than 10 days before trial, counsel and self-represented litigants must file with the clerk of court, and serve on each party, any identification, authentication, and foundation objections to the exhibits listed; otherwise such objections are deemed **waived** for trial purposes. In electronic cases, any identification, authentication, and foundation objections will be electronically filed, and the EDMS system will serve copies on all registered parties. Electronic filing of these objections must be done within 7 days of the filing of an exhibit list, or within 4 days if the deadline for filing of the list is less than 10 days before trial; otherwise, such objections are deemed **waived** for trial purposes.
- B. File and serve **motions in limine**, with supporting legal authority.
- C. File and serve **all proposed jury instructions** in a form to be presented to the jury, including a statement of the case, the stock jury instruction numbers, and verdict forms. The court must be provided the instructions in written form and electronically.
- D. Deliver to the judge and serve a concise **trial brief** addressing factual, legal, and evidentiary issues, with citation to legal authorities.

10. Motions

All motions including motions for summary judgment and except motions in limine, must be filed with the clerk of court's office or electronically filed at <https://www.iowacourts.state.ia.us/EFile/> at least 60 days before trial, with copies to the assigned judge.

11. Settlement conference *Note to parties: If A or B is checked, leave any date blank. The court will fill in ~~enter~~ the settlement conference date by order after the trial-setting conference.*

A. A settlement conference will be held on _____, 20____, at _____: _____ a.m.
Month Day Year Time p.m.
 at the _____ County Courthouse.

All parties with authority to settle must be present.

B. A settlement conference will be held on _____, 20____, at _____: _____ a.m.
Month Day Year Time p.m.

at the following location _____.

All parties with authority to settle must be present.

C. A settlement conference will occur at a date, time, and location arranged by the parties.

All parties with authority to settle must be present.

D. A settlement conference will be held upon request.

The parties are encouraged to consider alternative dispute resolution including private mediation or arbitration.

12. Settlements

The parties are responsible for immediately notifying the court administrator of settlement.

13. Late settlement fees

Late settlement fees under Iowa Rule of Civil Procedure 1.909 are applicable.

14. Continuances

Continuances are discouraged and will only be granted for good cause. Motions to continue are governed by Iowa Rule of Civil Procedure 1.910. In the event the trial date is continued, all time deadlines in this ~~order Plan~~ and ~~any stipulated amendments~~ Stipulated Amendments remain in effect relative to the new trial date unless the court approves new deadlines.

15. Notice

Failure to comply with any of the provisions of this ~~order Plan~~ or an ~~amendment~~ Stipulated Amendments to the ~~scheduling order~~ this Plan may result in the court imposing sanctions ~~being imposed by the court~~ pursuant to Iowa Rule of Civil Procedure 1.602(5), including limitation and exclusion of evidence and witnesses and payment of costs or attorney fees. The court will resolve disputes regarding oral agreements on scheduling by reference to this ~~scheduling order Plan~~ or any ~~written amendments~~ Stipulated Amendments to this ~~order Plan~~.

The following signature lines are optional

Approved (signed) by counsel/self-represented litigants:

Plaintiff(s) / Petitioner(s)

Defendant(s) / Respondent(s)

Include addresses and telephone numbers

Include addresses and telephone numbers

_____	_____
_____	_____
_____	_____
_____	_____

Original filed with the clerk of court or electronically filed at <https://www.iowacourts.state.ia.us/EFile/>.

Copies to: counsel of record, self-represented litigants, and court administration.

For questions regarding documents filed with the court in this case, please see www.judicial.state.ia.us/Online_Court_Services/Online_Docket_Record/ or call the clerk of court.

Use of this form is mandatory in Expedited Civil Actions under Iowa Rule of Civil Procedure 1.281.

- This form is to be filed within 7 days after the parties' discovery conference and before the trial-setting conference with the court.
- The parties should complete the entire form except as otherwise indicated.

In the Iowa District Court for _____ County	
<p>_____</p> <p>_____</p> <p>Plaintiff(s) / Petitioner(s) <i>Full name: first, middle, last</i></p> <p>vs.</p> <p>_____</p> <p>_____</p> <p>Defendant(s) / Respondent(s) <i>Full name: first, middle, last</i></p>	<p>No. _____</p> <p style="text-align: center;">Trial Scheduling Order and Discovery Plan for Expedited Civil Action</p> <p>Date Petition filed: _____ / _____ / _____ <i>mm</i> <i>dd</i> <i>yyyy</i></p> <p>Case type: <input type="checkbox"/> Law <input type="checkbox"/> Equity <input type="checkbox"/> Other <input type="checkbox"/> PCR <input type="checkbox"/> Judicial Review</p> <p>Trial type: <input type="checkbox"/> Jury <input type="checkbox"/> Nonjury</p> <p>Expected trial length: 2 days</p> <p>The amount in controversy exceeds \$10,000. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Appearances:

Plaintiff(s) / Petitioner(s)

Defendant(s) / Respondent(s)

1. Trial *Note to parties: ~~Leave~~ Unless you have obtained a date from court administration, leave this date blank; ~~The~~ the court will enter the date by order after the trial-setting conference.* a.m.

Trial of this case is set for _____, 20____, at _____:_____. p.m.
Month *Day* *Year* *Time*

in the district court in the courthouse of the above-named county.

2. Pretrial conference *Check one. Note to parties: If box A is checked, leave the date blank unless you have obtained a pretrial conference date from court administration. If you do not have a pretrial conference date and check box A, ~~The~~ the court will enter the date by order after the trial-setting conference.* a.m.

A. A pretrial conference will be held on _____, 20____, at _____:_____. p.m.
Month *Day* *Year* *Time*

The conference may be held telephonically with prior approval of the court.

B. A pretrial conference will be held upon request.

3. New parties

No new parties may be added later than 180 days before trial or _____ / _____ / _____.
mm *dd* *yyyy*

4. Pleadings

Pleadings will be closed 60 days before trial or _____ / _____ / _____.
mm dd yyyy

5. Initial disclosures *Check all that apply*

- A. The parties have exchanged initial disclosures.
- B. The parties will provide initial disclosures no later than _____.
- C. The parties have stipulated that the following will not be included in initial disclosures:

List items not included

- D. The parties have stipulated not to provide any initial disclosures.
- E. The following party objects to providing initial disclosures on the following grounds:

Identify the party and state all applicable grounds

6. Discovery

The parties have held a discovery conference as required by Iowa Rule of Civil Procedure 1.507.

All written discovery will be served no later than 90 days before trial. All depositions will be completed no later than 60 days before trial. Or, all discovery will be completed by

_____ / _____ / _____.
mm dd yyyy

Check all that apply and attach any appropriate exhibits

- A. No discovery of electronically stored information is expected in this case.
- B. The parties have conferred about discovery of electronically stored information and reached agreement as set out in Attachment ____.
- C. The parties have conferred about discovery of electronically stored information and have been unable to reach an agreement. *Note to parties: If box C is checked, the parties should contact the court to obtain leave the following information blank unless the parties have obtained a hearing date, time, and location, and insert that information below from court administration.*

A hearing is set for _____ / _____ / _____, at _____: _____ a.m.
mm dd yyyy Time p.m.

at the _____ County Courthouse, courtroom _____, or
County Courtroom number

at the following location: _____.

- D. The parties have agreed to a discovery plan, and their agreement is set forth in Attachment ____.
- E. The parties have agreed to deviate from the limits on discovery otherwise applicable to this action, and their agreement is set forth in Attachment ____.
- F. The parties have agreed to conduct discovery in phases, and their agreement is set forth in Attachment ____.
- G. The parties have ~~agreed to an order~~ reached an agreement under Iowa Rule of Evidence 5.502 as set forth in Attachment ____.
- H. The parties have ~~agreed to an order~~ reached an agreement under Iowa Rule of Civil Procedure 1.504 as set forth in Attachment ____.

- I. The parties have conferred about a discovery plan and have been unable to reach agreement on the issues set forth in Attachment _____. *Note to parties: If box I is checked, ~~the parties should contact the court to obtain~~ leave the following information blank unless the parties have obtained a hearing date, time, and location, and insert that information below from court administration.*

A hearing is set for ____ / ____ / _____, at: _____: _____ a.m.
mm dd yyyy Time

p.m.

at the _____ County Courthouse, courtroom _____, or
County Courtroom number

at the following location: _____.

7. ~~Health Care Provider Statement~~ care provider statement

Unless otherwise stipulated or ordered by the court, a copy of any completed Health Care Provider Statement in Lieu of Testimony, Iowa R. Civ. P. 1.281(4)(g)(3), must be served on all parties at least 150 days before trial. Any objection to the Health Care Provider Statement must be filed with the court, together with a copy of the statement, within 30 days after receipt of the statement.

8. Expert Witnesses

- A. A party who intends to call an expert witness, including rebuttal expert witnesses, must certify to the court and all other parties the expert's name, subject matter of expertise, and qualifications, within the following time period, unless the Iowa Code requires an earlier designation date (see, e.g., Iowa Code section 668.11):

(1) Plaintiff: 210 days before trial or ____ / ____ / _____.

mm dd yyyy

(2) Defendant/Third Party Plaintiff: 150 days before trial or ____ / ____ / _____.

mm dd yyyy

(3) Third Party Defendant/Others/Rebuttal: 90 days before trial or ____ / ____ / _____.

mm dd yyyy

- B. Any disclosures required by Iowa Rule of Civil Procedure 1.500(2)(b) will be provided:
Check each that applies

(1) At the same time the expert is certified.

(2) According to the following schedule:

a. Plaintiff: ____ / ____ / _____.

mm dd yyyy

b. Defendant/Third Party Plaintiff: ____ / ____ / _____.

mm dd yyyy

c. Third Party Defendant/Others/Rebuttal: ____ / ____ / _____.

mm dd yyyy

- C. This section does not apply to court appointed experts.

The deadlines listed in paragraphs 4, 5, 6, 7, and 8 may be amended, without further leave of court, by filing a Stipulated Amendment to ~~Scheduling Order~~ with the clerk this Plan listing the dates agreed upon and signed by all counsel and self-represented litigants. Such ~~an~~ Stipulated Amendment may not override any requirement of the Iowa Court Rules and cannot serve as a basis for a continuance of the trial date or affect the date for pretrial submissions.

9. Pretrial submissions

At least **14 or ____ (no more than 7) days before trial**, counsel for the parties and self-represented litigants must:

- A. File a **witness and exhibit** list with the clerk of court, serve a copy on opposing counsel and self-represented litigants, and exchange exhibits. In electronic cases, witness and exhibit lists must be electronically filed, and the EDMS system will serve copies on all registered parties. Exhibits must be electronically submitted in lieu of exchanging them. These disclosures must include the following information about the evidence that the disclosing party may present at trial other than solely for impeachment:
- (1) The name and, if not previously provided, the address, telephone numbers, and electronic mail address of each witness, separately identifying those the party expects to present and those the party may call if the need arises.
 - (2) The page and line designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.
 - (3) An identification of each document or other exhibit, including summaries of other evidence, separately identifying those items the party expects to offer and those it may offer if the need arises. The following rules govern exhibits and exhibit lists:
 - a. Plaintiff will use numbers and Defendant will use letters. Pretrial exhibit lists will identify each exhibit by letter or number and description. Exhibits must be marked before trial.
 - b. Immediately before commencement of trial, the court must be provided with a bench copy, and the court reporter with a second copy, of the final exhibit list for use in recording the admission of evidence.
 - c. In nonjury cases, immediately before commencement of trial, parties must provide the court with a bench copy of all exhibits identified on the exhibit lists.
 - d. Within 7 days after the filing of an exhibit list, or within 4 days if the deadline for filing of the list is less than 10 days before trial, counsel and self-represented litigants must file with the clerk of court, and serve on each party, any identification, authentication, and foundation objections to the exhibits listed; otherwise such objections are deemed **waived** for trial purposes. In electronic cases, any identification, authentication, and foundation objections must be electronically filed, and the EDMS system will serve copies on all registered parties. Electronic filing of these objections must be done within 7 days of the filing of an exhibit list, or within 4 days if the deadline for filing of the list is less than 10 days before trial; otherwise, such objections are deemed **waived** for trial purposes.
- B. File and serve **motions in limine**, with supporting legal authority.
- C. File and serve a complete set of **joint jury instructions and verdict forms**, in a form to be presented to the jury or judge, including a statement of the case and any stock jury instruction numbers. If there is any disagreement about an instruction or verdict form, each side must include its specific objections, supporting authority, and a proposed alternative instruction or verdict form for the court's approval. The court must be provided the instructions in written form and electronically.
- D. Deliver to the judge and serve a concise **trial brief** addressing factual, legal, and evidentiary issues, with citation to legal authorities.

10. Motions

All motions including motions for summary judgment and except motions in limine, must be filed with the clerk of court's office or electronically filed at <https://www.iowacourts.state.ia.us/EFile/> at least 90 days before trial, with copies to the assigned judge.

11. Settlements

The parties are responsible for immediately notifying the court administrator of settlement.

12. Late settlement fees

Late settlement fees under Iowa Rule of Civil Procedure 1.909 are applicable.

13. Continuances

Continuances are discouraged and will only be granted for good cause. Motions to continue are governed by Iowa Rule of Civil Procedure 1.910. In the event the trial date is continued, all time deadlines in this ~~order Plan~~ and any stipulated amendments remain in effect relative to the new trial date unless the court approves new deadlines.

14. Notice

Failure to comply with any of the provisions of this ~~order Plan~~ or an amendment Stipulated Amendments to the scheduling order this Plan may result in the court imposing sanctions being imposed by the court pursuant to Iowa Rule of Civil Procedure 1.602(5), including limitation and exclusion of evidence and witnesses and payment of costs or attorney fees. The court will resolve disputes regarding oral agreements on scheduling by reference to this ~~scheduling order Plan~~ or any ~~written amendments~~ Stipulated Amendments to this order Plan.

The following signature lines are optional

Approved (signed) by counsel/self-represented litigants:

Plaintiff(s) / Petitioner(s)

Defendant(s) / Respondent(s)

Include addresses and telephone numbers

Include addresses and telephone numbers

Original filed with the clerk of court or electronically filed at <https://www.iowacourts.state.ia.us/EFile/>.

Copies to: counsel of record, self-represented litigants, and court administration.

For questions regarding documents filed with the court in this case, please see www.judicial.state.ia.us/Online_Court_Services/Online_Docket_Record/ or call the clerk of court.