CHAPTER 23
TIME STANDARDS FOR CASE PROCESSING

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CHAPTER 23
TIME STANDARDS FOR CASE PROCESSING

Rule 23.1 Time standards — considerations. The time standards contained in this chapter are subject to statutes and rules affecting the same proceedings.
[Court Order August 22, 1985, effective October 1, 1985; February 26, 1988, effective April 1, 1988; July 29, 1988, effective September 1, 1988; November 9, 2001, effective February 15, 2002; June 27, 2008, effective September 1, 2008]

Rule 23.2 Trial scheduling time standards. The time standards commence from the time a case is filed except in indictable criminal cases where the time shall be measured from date the trial information or indictment is filed.

23.2(1) Court administration shall schedule cases to commence trial within the following time standards:

a. Indictable Criminal	6 months
b. Simple Misdemeanors	4 months
c. Expedited Civil Actions	12 months
d. Torts (all except "complex civil")	18 months
e. Complex Civil	24 months
f. Other Law & Equity	12 months
g. Domestic—Dissolution & Modification	9 months
h. Domestic Abuse	2 months
i. Domestic—All Other	6 months
j. Small Claims & Infractions	4 months

23.2(2) If a party shows good cause for exceeding the trial time standards in rule 23.2(1), a court may order an extension of the time for trial to commence using the standards below as guidelines:

a. Indictable Criminal	12 months
b. Simple Misdemeanors	6 months
c. Expedited Civil Actions	15 months
d. Torts (all except "complex civil")	24 months
e. Complex Civil	36 months
f. Other Law & Equity	18 months
g. Domestic—Dissolution & Modification	15 months
h. Domestic Abuse	4 months
i. Domestic—All Other	12 months
j. Small Claims & Infractions	8 months

[Court Order June 27, 2008, effective September 1, 2008; August 28, 2014, effective January 1, 2015]

Rule 23.3 Estate time standards. Except for good cause shown, estates opened shall be closed within the following time standards:

a. Estates w/o admin. & small	100% in 6 months
b. Estates with full admin.	85% in 24 months
	100% in 36 months

[Court Order June 27, 2008, effective September 1, 2008]

Rule 23.4 Juvenile standards.

23.4(1) Detention and shelter hearings:

a. From detention facility admission to hearing	24 hours[1]
b. From admission to shelter care facility pursuant to Iowa Code section 232.21 court order to hearing	48 hours[1]

1. Excluding Saturday, Sunday, and legal holidays

23.4(2) Pre-adjudicatory hearings for physical and mental health examinations:
a. From court ordered admission to detention or shelter care facility to hearing 15 days
b. From filing, if juvenile is not in detention or shelter care facility, to hearing 30 days
23.4(3) Adjudicatory hearings:
a. From court ordered admission to detention or shelter care facility to hearing 15 days
b. From filing, if juvenile is not in detention or shelter care facility, to hearing 30 days
c. From entry of order for physical or mental examination to hearing 45 days
23.4(4) Dispositional hearings:
a. From entry of adjudicatory order to hearing, if juvenile is:
In a detention or shelter care facility 30 days
Not in a detention or shelter care facility 40 days
b. From court ordered placement for physical or mental examination, following a delinquency or CINA adjudication, to hearing 60 days
23.4(5) Termination of parental rights (Iowa Code chapter 232):
a. From filing to hearing 60 days
b. From filing to disposition 5 months
[Court Order June 27, 2008, effective September 1, 2008]

Rule 23.5 Forms for implementing time standards.
Rule 23.5 — Form 1: ***Notice of Civil Trial-Setting Conference***

In the Iowa District Court for _____ County

_____	No._____
Plaintiff(s) / Petitioner(s) *Full name: first, middle, last* vs. _____ **Defendant(s) / Respondent(s).** *Full name: first, middle, last*	**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 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 and Discovery Plan and then, prior to the date scheduled for the trial-setting conference, obtain a trial date from court administration that complies with the provisions of chapter 23.

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*

[Administrative Directive June 16, 1987, effective September 1, 1987; Court Order November 9, 2001, effective February 15, 2002; June 27, 2008, effective September 1, 2008; August 28, 2014, October 30, 2014, effective January 1, 2015]

Rule 23.5 — Form 2: *Trial Scheduling 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

_____

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

vs.

_____

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

No._____

Trial Scheduling and Discovery Plan

Use of this form is mandatory

Date Petition filed: _____/ _____/ _____
mm dd yyyy

Case type: ☐ Law ☐ Equity ☐ Other ☐ PCR ☐ Judicial Review

Trial type: ☐ Jury ☐ Nonjury

Expected trial length: _____ days

The amount in controversy exceeds $10,000. ☐ Yes ☐ No

Appearances:
Plaintiff(s) / Petitioner(s)

Defendant(s) / Respondent(s)

It is ordered:

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

   Trial of this case is set for _____ _____, 20 _____, at _____:_____ ☐ a.m. ☐ 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 court will enter the date, by order, after the trial-setting conference.*

   A. ☐ A pretrial conference will be held on _____ ____, 20____, at _____:_____ ☐ a.m. ☐ 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

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/

Rule 23.5—Form 2: *Trial Scheduling and Discovery Plan*, continued

4. Transcripts and records

All required agency records or prior criminal transcripts will be filed within 30 days of the date of this 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, leave the following information blank unless the parties have obtained a hearing date, time, and location from court administration.*

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

☐ 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 ____.

Rule 23.5—Form 2: *Trial Scheduling and Discovery Plan*, continued

G. ☐ The parties have reached an agreement under Iowa Rule of Evidence 5.502 as set forth in Attachment ____.

H. ☐ The parties have 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, leave the following information blank unless the parties have obtained a hearing date, time, and location from court administration.*

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

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

☐ at the following location: _____.

8. Expert 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 this Plan listing the dates agreed upon and signed by all attorneys and self-represented litigants. Such 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 ____** (the parties may enter another number but not less 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 enter the settlement conference date, by order, after the trial-setting conference.*

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

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. ☐ p.m.
Month *Day* *Year* *Time*

at the following location _____.

All parties with authority to settle must be present.

Rule 23.5—Form 2: *Trial Scheduling and Discovery Plan*, continued

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 Plan and any 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 Plan or Stipulated Amendments to this Plan may result in the court imposing sanctions 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 Plan or any Stipulated Amendments to this Plan.

At least one signature to the Trial Scheduling and Discovery Plan is required. The signer certifies that all listed parties have joined in this Trial Scheduling and Discovery Plan, subject to any objections noted.

I certify that all parties and attorneys to this action have agreed to this Trial Scheduling and Discovery Plan and have been served with a copy.

_____ _____, 20_____ /s_____

Signed: Month Day Year Party's or attorney's signature

_____ _____

Printed name Attorney's law firm, if applicable

_____ _____ _____ _____

Mailing address City State ZIP code

(_____) _____ _____ _____

Phone number Email address Additional email address, if available

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.

[Administrative Directive June 16, 1987, effective September 1, 1987; Court Order November 9, 2001, effective February 15, 2002; June 27, 2008, effective September 1, 2008; August 28, 2014, October 30, 2014, effective January 1, 2015; April 1, 2015]

Rule 23.5 — Form 3: *Trial Scheduling and Discovery Plan for Expedited Civil Action*

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

_____ **Plaintiff(s) / Petitioner(s)** *Full name: first, middle, last* vs. _____ **Defendant(s) / Respondent(s)** *Full name: first, middle, last*	No._____ **Trial Scheduling and Discovery Plan for Expedited Civil Action** Date Petition filed:_____/_____/_____ (*mm* / *dd* / *yyyy*) Case type: ☐ Law ☐ Equity ☐ Other ☐ PCR ☐ Judicial Review Trial type: ☐ Jury ☐ Nonjury Expected trial length: 2 days The amount in controversy exceeds $10,000. ☐ Yes ☐ No

Appearances:
Plaintiff(s) / Petitioner(s)

Defendant(s) / Respondent(s)

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

   Trial of this case is set for _____ (*Month*) _____ (*Day*), 20___ (*Year*), at _____:_____ (*Time*) ☐ a.m. ☐ p.m.

   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 court will enter the date, by order, after the trial-setting conference.*

   A. ☐ A pretrial conference will be held on _____ (*Month*) _____ (*Day*), 20___ (*Year*), at _____:_____ (*Time*) ☐ a.m. ☐ p.m.

   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*).

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/

Rule 23.5—Form 3: *Trial Scheduling and Discovery Plan for Expedited Civil Action*, continued

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, leave the following information blank unless the parties have obtained a hearing date, time, and location from court administration.*

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

☐ 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 reached an agreement under Iowa Rule of Evidence 5.502 as set forth in Attachment ____.

Rule 23.5—Form 3: *Trial Scheduling and Discovery Plan for Expedited Civil Action*, continued

H. ☐ The parties have 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, leave the following information blank unless the parties have obtained a hearing date, time, and location from court administration.*

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

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

☐ at the following location: _____.

7. Health 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 this Plan listing the dates agreed upon and signed by all counsel and self-represented litigants. Such 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** ____ (the parties may enter another number but not less than **7**) **days before trial**, counsel for the parties and self-represented litigants must:

Rule 23.5—Form 3: *Trial Scheduling and Discovery Plan for Expedited Civil Action*, continued

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.

Rule 23.5—Form 3: *Trial Scheduling and Discovery Plan for Expedited Civil Action*, continued

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 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 Plan or Stipulated Amendments to this Plan may result in the court imposing sanctions 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 Plan or any Stipulated Amendments to this Plan.

At least one signature to the Trial Scheduling and Discovery Plan is required. The signer certifies that all listed parties have joined in this Trial Scheduling and Discovery Plan, subject to any objections noted.

I certify that all parties and attorneys to this action have agreed to this Trial Scheduling and Discovery Plan and have been served with a copy.

_____ _____, 20_____ /s_____

Signed: Month Day Year Party's or attorney's signature

_____ _____

Printed name Attorney's law firm, if applicable

_____ _____ _____ _____

Mailing address City State ZIP code

(_____) _____ _____ _____

Phone number Email address Additional email address, if available

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.

[Court Order August 28, 2014, October 30, 2014, effective January 1, 2015; April 1, 2015]