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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CANDI-LEE WEEKS,

Plaintiffs,

v.

BRADLEY F. JOHNSON; BILL DIAL;
KRISTI CURTIS; KEVIN CONWAY;
SHANE ERICKSON; CHASE GARNER;
CHUCK STEARNS; BRIDGER KELCH;
JOHN MUHFELD; BILL HILL; and BRIAN
CARTER.

Defendants.

Cause No: CV-16-161-DLC-JCL

DEFENDANTS' PROPOSED
JOINT DISCOVERY PLAN

The Defendants, Bradley F. Johnson, Bill Dial, Kristi Curtis, Kevin Conway, Shane Erickson, Chase Garner, Chuck Stearns, Bridger Kelch, John Muhfeld, Bill Hill and Brian Carter, hereby jointly submit their Proposed Joint Discovery Plan.

INTRODUCTION

The Court's Order of March 13, 2017 required the parties to confer and submit a Joint Discovery Plan pursuant to Federal Rules of Civil Procedure Rule 26(f) no later than April 27, 2017. Accordingly, a phone conference was scheduled for this purpose for April 12, 2017. At that time, counsel for both groups of Defendants and Ms. Weeks were on the call. The parties discussed the required dates and subject matter to include in a Federal Rule of Civil Procedure Rule 26(f) Plan. Although the parties agreed upon most of the dates, Ms. Weeks had certain reservations with regard to the dates for disclosure of experts, as she objected to the staggering of the disclosures. Thereafter, a draft Rule 26(f) Plan was sent by Mr. Hammer to Ms. Weeks for review. Ms. Weeks responded on April 13, 2017, stating that "[t]his document is not a clear representation of exactly what was discussed, it has been at-torned a bit." Ms. Weeks indicated that she would make corrections to the document and send it back to counsel for the Defendants for approval. To date, this has not occurred. Thus, at this time counsel for the Defendants are submitting a proposed Rule 26(f) Plan, in accord with what had been proposed to Ms. Weeks at the April 12, 2017 conference. The proposed

plan notes the items to which Ms. Weeks objected to in the phone conference.

PROPOSED RULE 26(f) PLAN

Pursuant to the Order dated March 13, 2017 (Doc. 14) and Federal Rule of Civil Procedure 26(f)(3) and the Local Rule 26.1, the Defendants hereby submit the following Proposed Joint Discovery Plan:

A. INITIAL DISCLOSURES:

Initial disclosures will be served in the normal course of proceedings.

B. DISCOVERY PLAN:

Discovery completion date: October 30, 2017: discovery need not be conducted in phases or limited to particular issues. The parties jointly propose that each party may serve up to 25 interrogatories on each other party. The parties agree to cooperate in good faith if additional interrogatories prove necessary.

C. DISCOVERY OF ELECTRONICALLY STORED INFORMATION:

The parties shall preserve all existing electronically stored information related to any of the facts, claims and defenses asserted in this lawsuit.

D. CLAIMS OF PRIVILEGE:

The parties do not foresee any issues with respect to claims of privilege or protection of trial preparation material except to the extent that such material might include confidential criminal justice, private employment, private health care information or other private information. The parties agree that any party asserting

a privilege must comply with Federal Rule of Civil Procedure 26(b)(5). Should any issue regarding protection of documents arise, the parties will work together to agree upon a protective order or seek another remedy.

E. OTHER ORDERS:

The parties do not anticipate any other orders that the Court needs to enter at this time. The parties agree to these additional deadlines for this case:

1. Deadline for joinder of parties and amendment of pleadings: June 1, 2017.
2. Disclosure of expert witnesses shall comply with Rule 26(a)(2)(B).
 - Plaintiff's liability and damage expert disclosure deadline: The parties were unable to agree on a deadline. Defendants proposed August 30, 2017 as the deadline. Plaintiff disagrees with that deadline and any staggered deadline.
 - Defendants' liability expert disclosure deadline: The parties were unable to agree on a deadline. Defendants proposed August 30, 2017 as the deadline. Plaintiff disagrees with that deadline and any staggered deadline.
 - Defendants' Damage expert disclosure deadline: The parties were unable to agree on a deadline. Defendants proposed September 30, 2017 as the deadline. Plaintiff disagrees with

any deadline and a staggered deadline.

- Rebuttal expert disclosure deadline: The parties were unable to agree on a deadline. Defendants proposed October 15, 2017 as the deadline. Plaintiff disagrees with any deadline and a staggered deadline.
3. The parties propose that any party may disclose a rebuttal expert witness irrespective of whether that party originally disclosed an expert witness, but such rebuttal expert disclosure must be limited to rebuttal issues. All other deadlines will be set by the Court at the Preliminary Pretrial Conference.
 4. The parties anticipate retaining experts to provide testimony relating to police practices.

Pursuant to L.R. 11.2(a)(1), all parties listed below consent to the filing of this document.

DATED this 27th day of April, 2017.

/s/Robert C. Lukes
Robert C. Lukes
Attorneys for Defendant Brian Carter

/s/ Todd A. Hammer
Todd A. Hammer
Attorneys for Defendants Johnson, Dial,
Curtis, Conway, Erickson, Garner, Stearns,
Kelch and Muhfeld

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2017, a copy of the foregoing document was served on the following persons by the following means:

_____ Hand Delivery
_____ 1 Mail
_____ Overnight Delivery Service
_____ Fax (include fax number in address)
_____ E-Mail (include email in address)

1. Candi-Lee: Weeks
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/s/ Robert C. Lukes
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