

## **MRCP Rule 6 – Rocket Docket**

**Hon. Jason Marks**  
*Fourth Judicial District*  
*Missoula, MT*

**Dylan McFarland**  
*Knight Nicastro LLC*  
*Missoula, MT*

**Moderator: Lindsay Ward, Helena**

## IN THE SUPREME COURT OF THE STATE OF MONTANA

Case Number: AF 07-0110

AF 07-0110

IN RE THE MONTANA UNIFORM  
DISTRICT COURT RULES

O R D E R

On May 2, 2019, the Uniform District Court Rules Commission submitted proposed revisions to the Montana Uniform District Court Rules.

The Court opened a 60-day comment period on the revisions, and after review and consideration of the revisions in a public meeting held on September 24, 2019, the Court determined the revisions were well taken, and approved them with some revisions.

IT IS ORDERED that the proposed revisions as approved by the Court are ADOPTED. The Montana Uniform District Court Rules are amended to read as shown in the attachment to this Order, effective January 1, 2020.

This Order and the attached rules shall be posted on the Court's website. In addition, the Clerk is directed to provide copies of this Order and the attachment to the State Law Library, to Todd Everts and Connie Dixon at Montana Legislative Services, to Chad Thomas at Thomson Reuters, to Patti Glueckert and the Statute Legislation department at LexisNexis, and to the State Bar of Montana, with the request that the State Bar provide notice of the revised rules on its website and in the next available issue of the *Montana Lawyer*.

DATED this 29th day of October, 2019.

/S/ MIKE McGRATH  
/S/ LAURIE McKINNON  
/S/ JAMES JEREMIAH SHEA  
/S/ DIRK M. SANDEFUR  
/S/ INGRID GUSTAFSON  
/S/ BETH BAKER  
/S/ JIM RICE

## **MONTANA UNIFORM DISTRICT COURT RULES**

### **Rule 1 – Form of Papers Presented for Filing.**

- (a) Papers Defined. The word “papers” as used in this Rule includes all documents and copies except exhibits and records on appeal from lower courts.
- (b) Pagination, Printing, Etc. All papers shall be:
- (1) Typewritten, printed or equivalent;
  - (2) Clear and permanent;
  - (3) Equally legible to printing;
  - (4) Of type not smaller than pica;
  - (5) Only on standard quality opaque, unglazed, recycled paper, 8 1/2" x 11" in size.
  - (6) Printed one side only, except copies of briefs may be printed on both sides. The original brief shall be printed on one side.
  - (7) Lines unnumbered or numbered consecutively from the top;
  - (8) Spaced one and one-half or double;
  - (9) Page numbered consecutively at the bottom; and
  - (10) Bound firmly at the top. Matters such as property descriptions or direct quotes may be single spaced. Extraneous documents not in the above format and not readily conformable may be filed in their original form and length.
- (c) Format. The first page of all papers shall conform to the following:
- (1) Commencing at line 1 at the left margin, single spaced, shall be the name of the attorney or party responsible for the pleadings, together with the telephone number and complete mailing address for service of papers.
  - (2) Lines 1 through 7 of the right one-half of the page shall be left blank for the use of the clerk.
  - (3) On or below line 8, the title of the court.
  - (4) Commencing at line 9 or below on the left, the title of the case.
  - (5) On the right and opposite the title of the case, the case number and identification of the document being filed.
  - (6) Nonconforming papers may not be filed without leave of the court.
- (d) Changes, Conformance of Copies. Additions, deletions or interlineations shall be initialed by the clerk or judge at the time of filing. All copies served shall conform to the original as filed.

### **Rule 2 – Motions.**

- (a) Prerequisites to Filing a Motion. The text of the motion must state that other parties have been contacted and state whether any party objects to the motion. Parties that have not yet appeared in the action or whose default has been entered need not be contacted. When a motion is unopposed, the word “unopposed” must appear in the title of the motion.
- (b) Filing Briefs in Support of Motions. The moving party shall file with the court a supporting brief upon filing a motion. The brief may be accompanied by appropriate

supporting documents. Except as provided in M. R. Civ. P. 56(c), within fourteen days after service of the movant's brief, the opposing party shall file an answer brief which also may be accompanied by appropriate supporting documents. Within fourteen days after service of the opposing party's answer brief, the movant may file a reply brief or other appropriate responsive documents.

(c) Failure to File Briefs. Failure to file briefs may subject the motion to summary ruling. The moving party's failure to file a brief shall be deemed an admission that the motion is without merit. Failure to file an answer brief by the opposing party within the time allowed shall be deemed an admission that the motion is well taken. Reply briefs by movant are optional, and failure to file will not subject a motion to summary ruling.

(d) Oral Argument. The court may order oral argument sua sponte or upon application of a party for good cause shown.

(e) When Motion Deemed Submitted. Unless oral argument is ordered, or unless the time is enlarged by the court, the motion is deemed submitted at the expiration of any of the applicable time limits set forth above. If oral argument is ordered, the motion will be deemed submitted at the close of argument unless the court orders additional briefs, in which case the motion will be deemed submitted as of the date designated as the time for filing the final brief.

(f) Subject to subsection (e), above, the moving party shall file a notice with the court within five days after the filing of a reply brief, or if no reply brief is filed, within five days after the filing of all response briefs, advising the court that the matter is fully submitted and ready for decision. A copy of the notice shall be sent to the presiding judge's chambers.

(g) In the event of conflict, the Montana Rules of Civil Procedure shall control. Time computation shall be governed by M. R. Civ. P. 6.

### **Rule 3 – Ex Parte Matters.**

Except as otherwise provided by these Rules or statute, no document, including briefs, proposed orders and proposed judgments, or other communications, may be presented to the court at any time unless it is first filed with the court and served on all parties.

### **Rule 4 – Filing of Discovery.**

(a) Depositions upon oral or written examinations, interrogatories and answers thereto, requests for production of documents and responses thereto, and requests for admissions and responses thereto shall not be filed without leave of court. When any motion is filed referring to discovery, the party filing the motion shall submit with the motion relevant unfiled documents.

(b) The pre-trial order shall identify all those portions of depositions, interrogatories, requests for admissions and answers and responses thereto that the parties intend to introduce into evidence.

**Rule 5 – Pre-Trial Order and Pre-Trial Conference.**

(a) Pre-trial. Unless otherwise ordered by the court, a pre-trial conference shall be held in all contested civil cases.

(b) Not later than seven days prior to the pre-trial conference, Plaintiff shall convene a conference of all parties for the purpose of preparing a pre-trial order. The proposed pre-trial order shall be presented for signature at the pre-trial conference. In the event of a dispute as to the contents of the order, such dispute shall be presented to the judge for resolution at the pre-trial conference.

(c) Pre-trial Order. The pre-trial order shall be substantially in the following form:

(TITLE OF COURT AND CAUSE)

Pursuant to Rule 16 of the Montana Rules of Civil Procedure, a pre-trial conference was held in the above-entitled cause on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, at \_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_ represented the plaintiff(s).

\_\_\_\_\_ represented the defendant(s).

\_\_\_\_\_ (other appearances) were also present.

AGREED FACTS

The following facts are admitted, agreed to be true, and require no proof:  
(Here enumerate all agreed facts, including facts admitted in the pleadings.)

PLAINTIFF’S CONTENTIONS

Plaintiff’s contentions are as follows:

- 1.
- 2.

DEFENDANT’S CONTENTIONS

- 1.
- 2.

EXHIBITS

Attached to the pre-trial order are exhibit lists identifying by number and brief description each exhibit and stating any objections to the exhibits. Any exhibit offered at the trial to which no objection was made in the pre-trial order will be admitted into evidence.

WITNESSES

The following witnesses and no others will (may) be called to testify except on rebuttal:

Plaintiff

- 1.
- 2.

Defendant

- 1.
- 2.

### ISSUES OF FACT

The following issues of fact, and no others, remain to be litigated upon the trial:  
(Here specify each issue.)

- 1.
- 2.

### ISSUES OF LAW

The following issues of law, and no others, remain to be litigated upon the trial:  
(Here set forth a concise statement of each.)

- 1.
- 2.

### DISCOVERY

The final pre-trial order shall refer to all those portions of depositions upon oral examination and interrogatories, requests for admissions, and answers and responses that the parties intend to introduce into evidence. Any objections to the use of the above documents shall be stated, and if not stated, shall be deemed waived. (Because this Rule relates to filing and is designed to consolidate in one place all of the fruits of discovery and because there can be no surprise element involved, the court shall be liberal in permitting the amendment of the pre-trial order to include any material not originally listed.)

#### ADDITIONAL PRE-TRIAL DISCOVERY

(Here specify any additional discovery contemplated by either party and the time within which such discovery will be completed.)

#### STIPULATIONS

(Here include any stipulations in addition to the agreed facts set forth above.)

#### DETERMINATION OF LEGAL QUESTIONS IN ADVANCE OF TRIAL

It was agreed that the following legal issues should be determined by the court in advance of the trial.

(Here specify issues and make provision for filing briefs with respect to such issues.)

#### ADDITIONAL ISSUES

Additional issues to be determined and/or addressed include:

- order of proof where there is a counterclaim;
- attorney's fees testimony and/or proof;
- time of filing and service of trial briefs and other issues.

#### JURY SELECTION AND PROCESS

Order and method of selection, stipulation that jury will be selected or drawn, numbering of panel, number of challenges, time to file instructions, length of time on voir dire.

#### TRIAL

It is estimated that the case will require \_\_\_ hours/days for trial.

The case will be tried before the court with (without) a jury.

IT IS HEREBY ORDERED that this pre-trial order shall supersede the pleadings and govern the course of the trial of this cause, unless modified to prevent manifest injustice.

IT IS HEREBY ORDERED that all pleadings herein shall be amended to conform to this pretrial order.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

District Judge

Approved as to form and content.

Attorney for Plaintiff

Attorney for Defendant

**Rule 6 – Simplified Procedure for Civil Actions.**

(a) The purpose of this rule is to protect the right to trial by jury in civil actions; to provide maximum access to the district courts and opportunity for citizens to participate in the civil justice system in civil actions; to enhance the provision of just, speedy, and inexpensive determination of civil actions; to facilitate limited discovery and decrease expenses; and to provide opportunities for counsel to train in civil trial practice.

(b) This rule applies to all civil actions in which a jury trial has been requested. Attorneys are required to educate and consult with their clients about this Simplified Procedure and all parties shall be prepared to elect or decline the Simplified Procedure process at the initial scheduling conference.

(c) Simplified Procedure means that the action shall be subject to the following requirements and limitations unless otherwise ordered by the court:

(1) Trial Setting. Following issuance of the scheduling order, the court shall set the case for trial on a date certain within six months or as soon as the court’s schedule allows. A maximum of three trial days shall be allowed absent leave of court. The parties are not required to attend a settlement conference.

(2) Initial Disclosures. Each party shall produce initial disclosures fourteen days from the date of the Scheduling Order. The disclosing party shall sign all disclosures under oath. The initial disclosures must contain the following information:

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

(ii) A copy—or a description by category and location of such items that cannot be copied—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

(iii) A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under

M. R. Civ. P. 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and (iv) Any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

(3) Lay Witness Statements. Each party shall serve written disclosure statements identifying the name, address, telephone number, and a detailed statement of the expected testimony for each witness (not the party) the party intends to call at trial. For adverse witnesses, written disclosure of the expected subject matters of the witness's testimony, rather than a detailed statement of the expected testimony, shall be sufficient. Subject to the court's Scheduling Order, it is expected Lay Witness Statements will be filed within two months of the court's Scheduling Order.

(4) Expert Witness Reports. Expert testimony shall be disclosed through detailed written reports which may be drafted by counsel but shall be signed by the expert, and shall include the subject areas, bases, list of material relied upon, and specific opinions intended to be offered at trial. Such written expert reports shall be sufficiently detailed that expert depositions are not permitted absent leave of court. Subject to the court's Scheduling Order, it is expected Expert Witness Reports will be filed within three months of the court's Scheduling Order.

(5) Discovery. Interrogatories shall be limited to twenty-five including subparts. Requests for production shall be limited to twenty-five including subparts. Depositions shall be limited to three per party. Subject to the court's Scheduling Order, it is expected discovery will be closed within four months of the court's Scheduling Order.

(6) Discovery Disputes. Discovery disputes shall be resolved through telephonic or in-person hearings with the court. Written discovery motions are not permitted without leave of court.

(7) Pretrial Motions. Motions made pursuant to M. R. Civ. P. 12 or 56 shall not be filed absent leave of court. Motions in limine shall be filed consistent with the court's Scheduling Order.

(d) Changed Circumstances. In a case governed by this Rule, any time prior to trial, on the court's own motion or upon a specific showing of substantially changed circumstances sufficient to render the application of Simplified Procedure under this Rule unfair, and a showing of good cause for the timing of the motion to terminate, the court shall terminate application of this Rule and enter such orders as are appropriate under the circumstances.

### **Rule 7 – Jury Instructions and Verdict Forms.**

(a) Submission. All proposed jury instructions and verdict forms must be delivered to the court in duplicate and a copy served upon all opposing parties at the time fixed in the pre-trial order. Subsequently, additional instructions may be allowed to prevent manifest injustice.

(b) Citation of authorities. Each proposed instruction shall identify at the bottom its source and cite supporting authorities, if any.

(c) Form. Each instruction shall be on 8 1/2" x 11" paper and shall, after the citations of authorities, indicate the requesting party and be numbered consecutively. One copy of the instructions filed with the court shall not be firmly bound together.

(d) Request for special findings by jury. Whenever a party desires special findings by a jury that party shall file with the court and serve a copy upon all opposing parties, in writing, the issues or questions of fact upon which such findings are requested, in proper form to submit to the jury.

### **Rule 8 – Findings and Conclusions.**

Unless ordered otherwise, in all matters where the court must enter findings of fact and conclusions of law pursuant to M. R. Civ. P. 52, all parties shall file with the court, and serve upon all opposing parties, at least seven days prior to the scheduled trial or hearing, proposed findings of fact and conclusions of law. Failure to file proposed findings of fact and conclusions of law in a timely matter shall be cause for appropriate sanction including removal of the case from the trial calendar, dismissal or granting of a judgment, precluding the offending party from presentation of evidence or objecting to evidence submitted by the other party, or such other action as the court deems appropriate. Post-trial amended and supplemental findings of fact and conclusions of law may be submitted in appropriate circumstances upon order of the court.

### **Rule 9 – Juror Questionnaire.**

(a) All jurors are requested to complete a questionnaire in the form on file with the clerk in his/her general order file and which contains basic vital statistics and other pertinent information. The completed forms will only be available to the parties, the attorneys for the parties, judges and court employees. Others requesting the completed forms must file a Request for Privacy Information with the court. The jury questionnaire will be destroyed by the clerk's office within a reasonable length of time after the conclusion of the jury term.

(b) A party may request that the court approve the mailing of a supplemental questionnaire to prospective jurors by submitting a motion, with proposed supplemental questions, at least sixty days in advance of the trial date. Any other party may file a response to the proposed supplemental questions within twenty days, and the moving party may file a reply within five days. The court may approve, modify, or disapprove the proposed supplemental questions in part or in their entirety. If the court approves or modifies the supplemental questions, the requesting party or parties shall pay the costs of mailing the supplemental questionnaire, including the costs of postage, paper, and envelopes.

**Rule 10 – Death or Removal of Attorney.**

(a) Whenever an attorney representing a party to an action, or in another civil proceeding of any kind, is removed, withdraws, or ceases to act as such, the attorney must inform the court and all other parties of the full name and address of the attorney’s client and any other information which the court may find appropriate to assist in contacting the party.

(b) Except as allowed or modified by the limited scope of representation rules, when the attorney representing a party to an action or proceeding dies, is removed, withdraws, or ceases to act as such, that party, before any further proceedings are had against the party must be given notice by any opposing party:

(1) That the party must appoint another attorney or appear in person;

(2) The date of the trial or of the next hearing or action required in the case; and

(3) That if the party fails to appoint an attorney or appear in person by a date certain, which may not be less than twenty-one days from the date of the notice, the action or other proceeding will proceed and may result in a judgment or other order being entered against him/her, by default or otherwise.

(c) Notice may be by personal service or by certified mail to the party’s last known address.

(d) If the party does not appoint another attorney or appear in person within twenty-one days of the service or mailing of the notice, the action may proceed to judgment. However, copies of all papers and documents required to be served by these Rules and the Rules of Civil Procedure shall be mailed to the party at the party’s last known address.

(e) In addition to the foregoing requirements of this Rule and before any change or substitution of attorney is effective, regardless of the reason for such change or substitution, the requirements of sections 37-61-403, 37-61-404 and 37-61-405, MCA, shall have been fully satisfied.

**Rule 11 – Judgments and Decrees.**

Whenever a judgment or decree is signed by the presiding judge it shall be delivered to the clerk and immediately filed in the records of the court and the fee required by law shall be paid to the clerk. Failure of parties to observe this Rule shall be deemed a contempt of court.

**Rule 12 – Exhibits.**

(a) Every exhibit placed on file or offered in evidence shall be held in the custody of the clerk. Unless there is good reason why the original of an exhibit should be retained, upon application, the court may order a copy filed in its place. Public records offered in evidence may be withdrawn at the conclusion of the hearing on order of the court.

(b) Exhibits may be withdrawn by the party offering them thirty days after a judgment has become final. Forty-five days after a judgment has become final, the clerk may apply to the court for an order to dispose of exhibits, and shall notify the parties of the application. Twenty-one days after mailing of the notice the court may enter its order authorizing the clerk to dispose of exhibits.

**Rule 13 – Regulation of Attorneys not Admitted to Practice in Montana.**

An attorney seeking to be admitted to practice before the court on a particular case, who is not admitted to the Bar of Montana, and who is authorized to practice law in the highest courts of another state, must at the time of his or her first appearance in a district court in Montana, or within fourteen days, and before any further proceedings in the matter, join with an attorney who is admitted to practice in Montana and who is a resident of Montana.

In order to hold secure the just, speedy and inexpensive determination of every action, such local counsel must be furnished with all factual, evidentiary and legal information necessary to act on behalf of the party and must also be vested with full and complete authority to act on behalf of and bind the party in all matters connected with the litigation.

A failure of local counsel to take any action required by the Rules of Civil Procedure or these Rules by lack of authority shall, for the purpose of imposing sanctions, be treated as a refusal to act.

**Rule 14 – Chief District Judge.**

(a) In a multijudge district court of Montana, a chief district judge shall be selected at the beginning of each calendar year, and the position shall rotate among the judges of the district annually, unless they agree otherwise. The rotation shall commence with the most senior district judge.

(b) The duties of the chief district judge shall be to provide for the efficient management of the district court business, in cooperation with the other judges of the district.

**Rule 15 – Local Rules Allowed.**

Nothing in these Rules shall be construed as limiting the power of the district courts from promulgating rules that do not conflict with these Rules.

**Rule 16 – Attorney’s Copied or Electronically-Generated Signature.**

(a) An attorney’s copied or electronically-generated signature shall be deemed original for all court-filed documents.

(b) Pursuant to M. R. Civ. P. 5(b)(E), some or all of the parties may stipulate to provide service of all papers required to be served under M. R. Civ. P. 5(a)(1) by electronic means, including papers provided in response to written discovery requests. All parties that choose to accept service by electronic means shall sign a stipulation to be filed with the Court. Any party that chooses not to stipulate to service by electronic means must be served by one of the other methods identified in M. R. Civ. P. 5(b).

**PLEASE FILL OUT AND RETURN THE FOLLOWING WITHIN SEVEN (7) DAYS TO**

**MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY**

**ADDRESS: \_\_\_\_\_**

**\_\_\_\_\_, MONTANA \_\_\_\_\_**

**PHONE: \_\_\_\_\_**

**QUESTIONNAIRE AS TO QUALIFICATION FOR JURY SERVICE**

(PLEASE PRINT OR TYPE)

1. Name: \_\_\_\_\_ Juror Number: \_\_\_\_\_
2. Address \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_
3. Please state the round trip mileage from your home to the court \_\_\_\_\_
4. Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cellular \_\_\_\_\_ Email \_\_\_\_\_
5. How long have you resided there? \_\_\_\_\_ Number of years in Montana? \_\_\_\_\_
6. Married [ ] Single [ ] Age \_\_\_\_\_ Gender: Male [ ] Female [ ]
7. Do you have children? Yes [ ] No [ ] Ages \_\_\_\_\_ Gender \_\_\_\_\_
8. What education have you had? \_\_\_\_\_
9. Are you employed at present? Yes [ ] No [ ] Occupation \_\_\_\_\_
10. Employer's name \_\_\_\_\_ Employer's Address \_\_\_\_\_
11. a. If you are married, name of spouse \_\_\_\_\_  
b. If married, occupation of spouse \_\_\_\_\_  
c. If retired, or not working, give last occupation \_\_\_\_\_  
d. If married, give spouse's employer \_\_\_\_\_
12. Have you ever served as a juror? Yes [ ] No [ ] If so, in what court? \_\_\_\_\_
13. Have you or any member of your immediate family ever been injured in an accident? Yes [ ] No [ ]  
If so, what type? \_\_\_\_\_
14. Are you or any member of your immediate family involved in law enforcement in any official capacity? Yes [ ] No [ ]  
If so, briefly explain \_\_\_\_\_
15. Have you or any member of your immediate family ever been a plaintiff or defendant in a lawsuit? Yes [ ] No [ ]  
What type of lawsuit? \_\_\_\_\_
16. Are you or your spouse related to an attorney? Yes [ ] No [ ] If so, his/her name and address \_\_\_\_\_
17. Are you or your spouse presently being represented by an attorney? Yes [ ] No [ ] If so, his/her name and address \_\_\_\_\_
18. Do you have any disability which you feel would make it difficult to serve on a jury? Yes [ ] No [ ] If so, briefly explain the disability and the accommodations we need to provide to enable you to serve on a jury. \_\_\_\_\_
19. In order to be eligible to serve as a trial juror, you must be 18 years of age or older, a resident for at least 30 days of the state and of the city, town or county in which you are called for jury duty, a citizen of the United States and not convicted of malfeasance in office or any felony or other high crime, the sentence of which has not yet expired or the fine not yet paid.
20. Do you feel you should be excused from serving as a juror because of undue hardship or because you do not meet the eligibility requirements for jury service? Yes [ ] No [ ] If you answered "yes", please complete the Affidavit For Excusal on the reverse side and have your signature notarized and return to the address above.

I certify that the foregoing statements are true to the best of my knowledge and belief.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**Request for Excusal**

State of Montana or \_\_\_\_\_

JurorName

County of \_\_\_\_\_

JurorMailingAddress

JurorMailingCity, JurorMailingState

JurorMailingZip

\_\_\_\_\_(Print Name) declares:

Affiant is informed of having been called as a trial juror in the District Court of \_\_\_\_\_ County of the State of Montana, to be held at \_\_\_\_\_, Montana. Affiant is applying for the following excusal and requests the Court's review:

PERMANENT EXCLUSION – Must be chronically incapacitated by illness or injury (include Physician's certification). If Court approves, the Affiant will be permanently excused from jury service.

CHANGE IN RESIDENCE – Affiant no longer resides in \_\_\_\_\_ County.

UNDUE HARDSHIP – Must state occupation and specific facts which Affiant believes constitutes undue hardship; having in mind jury service constitutes a duty of every competent citizen.

Note: If the Court denies your excuse for undue hardship, you may again submit a request if you are summoned for a trial. Examples of potential undue hardships include military service, move, college, long-planned vacation, employment out of state, residence out of state, or other unusual personal circumstance. If you know you will be gone for a specific period of time, please list it here:

I declare under penalty of perjury and the laws of the state of Montana that the foregoing is true and correct.

Signature of Prospective Juror

	APPROVED
	NOT APPROVED

COMMENTS: \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

District Judge

## **Rule 6 – Simplified Procedure for Civil Actions.**

- (a) The purpose of this rule is to protect the right to trial by jury in civil actions; to provide maximum access to the district courts and opportunity for citizens to participate in the civil justice system in civil actions; to enhance the provision of just, speedy, and inexpensive determination of civil actions; to facilitate limited discovery and decrease expenses; and to provide opportunities for counsel to train in civil trial practice.
- (b) This rule applies to all civil actions in which a jury trial has been requested. Attorneys are required to educate and consult with their clients about this Simplified Procedure and all parties shall be prepared to elect or decline the Simplified Procedure process at the initial scheduling conference.
- (c) Simplified Procedure means that the action shall be subject to the following requirements and limitations unless otherwise ordered by the court:
  - (1) Trial Setting. Following issuance of the scheduling order, the court shall set the case for trial on a date certain within six months or as soon as the court's schedule allows. A maximum of three trial days shall be allowed absent leave of court. The parties are not required to attend a settlement conference.
  - (2) Initial Disclosures. Each party shall produce initial disclosures fourteen days from the date of the Scheduling Order. The disclosing party shall sign all disclosures under oath. The initial disclosures must contain the following information:
    - (i) The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;
    - (ii) A copy—or a description by category and location of such items that cannot be copied—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;
    - (iii) A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under M. R. Civ. P. 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

- (iv) Any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.
- (3) Lay Witness Statements. Each party shall serve written disclosure statements identifying the name, address, telephone number, and a detailed statement of the expected testimony for each witness (not the party) the party intends to call at trial. For adverse witnesses, written disclosure of the expected subject matters of the witness's testimony, rather than a detailed statement of the expected testimony, shall be sufficient. Subject to the court's Scheduling Order, it is expected Lay Witness Statements will be filed within two months of the court's Scheduling Order.
- (4) Expert Witness Reports. Expert testimony shall be disclosed through detailed written reports which may be drafted by counsel but shall be signed by the expert, and shall include the subject areas, bases, list of material relied upon, and specific opinions intended to be offered at trial. Such written expert reports shall be sufficiently detailed that expert depositions are not permitted absent leave of court. Subject to the court's Scheduling Order, it is expected Expert Witness Reports will be filed within three months of the court's Scheduling Order.
- (5) Discovery. Interrogatories shall be limited to twenty-five including subparts. Requests for production shall be limited to twenty-five including subparts. Depositions shall be limited to three per party. Subject to the court's Scheduling Order, it is expected discovery will be closed within four months of the court's Scheduling Order.
- (6) Discovery Disputes. Discovery disputes shall be resolved through telephonic or in-person hearings with the court. Written discovery motions are not permitted without leave of court.
- (7) Pretrial Motions. Motions made pursuant to M. R. Civ. P. 12 or 56 shall not be filed absent leave of court. Motions in limine shall be filed consistent with the court's Scheduling Order.
- (d) Changed Circumstances. In a case governed by this Rule, any time prior to trial, on the court's own motion or upon a specific showing of substantially changed circumstances sufficient to render the application of Simplified Procedure under this Rule unfair, and a showing of good cause for the timing of the motion to terminate, the court shall terminate application of this Rule and enter such orders as are appropriate under the circumstances.

## Rule 6 – Simplified Procedure for Civil Actions.

- (a) The purpose of this rule is to protect the right to trial by jury in civil actions; to provide maximum access to the district courts and opportunity for citizens to participate in the civil justice system in civil actions; to enhance the provision of just, speedy, and inexpensive determination of civil actions; to facilitate limited discovery and decrease expenses; and to provide opportunities for counsel to train in civil trial practice.
- (b) This rule applies to all civil actions in which a jury trial has been requested. Attorneys are required to educate and consult with their clients about this Simplified Procedure and all parties shall be prepared to elect or decline the Simplified Procedure process at the initial scheduling conference.
- (c) Simplified Procedure means that the action shall be subject to the following requirements and limitations unless otherwise ordered by the court:
  - (1) Trial Setting. Following issuance of the scheduling order, the court shall set the case for trial on a date certain within six months or as soon as the court's schedule allows. A maximum of three trial days shall be allowed absent leave of court. The parties are not required to attend a settlement conference.
  - (2) Initial Disclosures. Each party shall produce initial disclosures fourteen days from the date of the Scheduling Order. The disclosing party shall sign all disclosures under oath. The initial disclosures must contain the following information:
    - (i) The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;
    - (ii) A copy—or a description by category and location of such items that cannot be copied—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;
    - (iii) A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under M. R. Civ. P. 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

- (iv) Any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.
  - (3) Lay Witness Statements. Each party shall serve written disclosure statements identifying the name, address, telephone number, and a detailed statement of the expected testimony for each witness (not the party) the party intends to call at trial. For adverse witnesses, written disclosure of the expected subject matters of the witness's testimony, rather than a detailed statement of the expected testimony, shall be sufficient. Subject to the court's Scheduling Order, it is expected Lay Witness Statements will be filed within two months of the court's Scheduling Order.
  - (4) Expert Witness Reports. Expert testimony shall be disclosed through detailed written reports which may be drafted by counsel but shall be signed by the expert, and shall include the subject areas, bases, list of material relied upon, and specific opinions intended to be offered at trial. Such written expert reports shall be sufficiently detailed that expert depositions are not permitted absent leave of court. Subject to the court's Scheduling Order, it is expected Expert Witness Reports will be filed within three months of the court's Scheduling Order.
  - (5) Discovery. Interrogatories shall be limited to twenty-five including subparts. Requests for production shall be limited to twenty-five including subparts. Depositions shall be limited to three per party. Subject to the court's Scheduling Order, it is expected discovery will be closed within four months of the court's Scheduling Order.
  - (6) Discovery Disputes. Discovery disputes shall be resolved through telephonic or in-person hearings with the court. Written discovery motions are not permitted without leave of court.
  - (7) Pretrial Motions. Motions made pursuant to M. R. Civ. P. 12 or 56 shall not be filed absent leave of court. Motions in limine shall be filed consistent with the court's Scheduling Order.
- (d) Changed Circumstances. In a case governed by this Rule, any time prior to trial, on the court's own motion or upon a specific showing of substantially changed circumstances sufficient to render the application of Simplified Procedure under this Rule unfair, and a showing of good cause for the timing of the motion to terminate, the court shall terminate application of this Rule and enter such orders as are appropriate under the circumstances.

Judge  
\_\_\_\_\_ Judicial District, Dept. \_\_\_\_  
\_\_\_\_\_ County Courthouse  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE

**MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT  
\_\_\_\_\_ COUNTY**

_____,  Plaintiff,  v.  _____,  Defendant.	Cause No. _____ Dept. No. ____ Judge _____  <b>SCHEDULING ORDER</b>
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**Preliminary Note:** Pursuant to Rule 6 of the Uniform District Court Rules, effective January 1, 2020, the parties, through counsel, consulted about the Simplified Procedure for Civil Actions and stipulate to elect the Simplified Procedure process.

IT IS HEREBY ORDERED that the following Scheduling Order shall govern the course of this case, unless otherwise modified by the Court:

1. \_\_\_\_\_ (14 days from date of Scheduling Order): Each party shall produce initial disclosures. The disclosing party shall sign all disclosures under oath. The initial disclosures must contain the following information:

- i. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;
- ii. A copy—or a description by category and location of such items that cannot be copied—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;
- iii. A computation of each category of damages claimed by the disclosing party - who must also make available for inspection and copying as under M. R. Civ. P. 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and
- iv. Any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

2. \_\_\_\_\_(Within two months of date of Scheduling Order):

Each party shall serve written disclosure statements identifying the name, address, telephone number, and a detailed statement of the expected testimony for each witness (not the party) the party intends to call at trial. For adverse witnesses, written disclosure of the expected subject matters of the witness's testimony, rather than a detailed statement of the expected testimony, shall be sufficient.

3. \_\_\_\_\_(Within three months of date of Scheduling Order):

Expert testimony shall be disclosed through detailed written reports which may be drafted by counsel but shall be signed by the expert, and shall include the subject areas, bases, list of material relied upon, and specific opinions intended to be offered at trial. Such written expert reports shall be sufficiently detailed that expert depositions are not permitted absent leave of court.

4. \_\_\_\_\_(Within four months of date of Scheduling Order):

All discovery in this matter shall be completed on this date. In accordance with Unif. R. Dist. Ct. 6(c)(5), interrogatories shall be limited to no more than 25 written interrogatories, including all discrete subparts; requests for production shall be limited to twenty-five including subparts; and depositions shall be limited to three per party.

5. Discovery disputes shall be resolved through telephonic or in-person hearings with the Court. Written discovery motions are not permitted without leave of Court.

6. Motions made pursuant to Mont. R. Civ. P. 12 or 56 shall not be filed absent leave of court.

7. \_\_\_\_\_: Hearings on all pre-trial motions, including motions in limine, or submission of the motions on briefs shall be accomplished by this date. It shall be the responsibility of the moving party to advise the court either that the motions are submitted on briefs or to request a hearing in accordance with Rule 6 of the Local Rules of the Fourth Judicial District.

8. The Pretrial Order shall be prepared and submitted pursuant to Rule 5 of the Uniform District Court Rules.

\_\_\_\_\_: Plaintiff's Proposed Pretrial Order shall be served on Defendant.

\_\_\_\_\_: Defendant's Proposed Pretrial Order shall be served on Plaintiff.

\_\_\_\_\_: The final Pretrial Order is to be submitted to the Court.

9. \_\_\_\_\_: Proposed Jury instructions are to be exchanged and submitted to the Court with a copy to the Judge in the Judge's chambers.

10. \_\_\_\_\_ (Within six months of date of Scheduling Order, or as the Court's schedule allows): A jury trial (3 days estimated length) is set to begin on this date at 9:00 a.m. at the \_\_\_\_\_ County Courthouse in \_\_\_\_\_, Montana before a jury of 12 persons. The jury will be drawn per local practice.

11. \_\_\_\_\_: A settlement conference shall be held by this date. The Settlement Master shall submit a report to the court within 5 days of completion of the conference.

12. Any time prior to trial, on the Court's own motion or upon a specific showing of substantially changed circumstances sufficient to render the application of Simplified Procedure under Rule 6 unfair, and a showing of good cause for the timing of the motion to terminate, the Court shall terminate application of the Rule 6 Simplified Procedure and enter such orders as are appropriate under the circumstances.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Hon. \_\_\_\_\_  
District Judge

ATTORNEY  
LAW FIRM  
STREET ADDRESS  
CITY, STATE, ZIP  
Telephone:  
Facsimile:  
EMAIL

*Attorneys for Plaintiff*

**MONTANA** \_\_\_\_\_ **JUDICIAL DISTRICT COURT**  
**MISSOULA COUNTY**

<p>_____,  Plaintiff,  v.  _____,  Defendant.</p>	<p>Cause No. _____ Dept. No. _____ Judge _____</p> <p><b>PLAINTIFF'S INITIAL DISCLOSURES</b></p>
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Pursuant to Rule 6 of the Uniform District Court Rules and the \_\_\_\_\_, 202\_, Scheduling Order, Plaintiff \_\_\_\_\_, respectfully submits the following initial disclosures based on information reasonably available to Plaintiff as of the date noted below. By making these disclosures, Plaintiff does not represent that she is identifying every document, individual, or other pieces of evidence relevant to her claims. Rather, she has made a good faith effort to identify information subject to the disclosure requirements of Mont. R. Civ. P. 26(a)(1).

Plaintiff's disclosures are made without waiving the right to object on the grounds of competency, privilege, relevancy, materiality, confidentiality, hearsay, the work product doctrine, or any other proper ground to the use of any disclosed

information or materials for any purposes, in whole or in part, at any subsequent stage of proceeding in this or any other action.

**I. Name of Persons Likely to Have Discoverable Information**

- A. NAME  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE

\_\_\_\_\_ is the Plaintiff in this action. \_\_\_\_\_ has knowledge of

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- B. NAME  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE

\_\_\_\_\_ is the Defendant in this action. \_\_\_\_\_ has knowledge of

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- C. NAME  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE

\_\_\_\_\_ is a witness to the incident on \_\_\_\_\_.

\_\_\_\_\_ has \_\_\_\_\_ knowledge \_\_\_\_\_ of

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**II. Description of Documents in Plaintiff's Control/Possession Which May be Used to Support Her Claims**

- A. Photographs of Plaintiff's injuries previously disclosed in discovery as \_\_\_\_\_.
- B. Copies of Plaintiff's medical bills previously disclosed in discovery as \_\_\_\_\_.
- C. Copies of Plaintiff's medical records previously disclosed in discovery as \_\_\_\_\_.
- D. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Investigation and discovery are ongoing. Plaintiff reserves the right to supplement this list.

**III. Computation of Damages**

- 1. Past medical expenses: \$ \_\_\_\_\_
- 2. Future medical expenses: To Be Determined
- 3. Pain and Suffering: To be Determined
- 4. Emotional Distress Damages: To be Determined

This information is based upon the information and circumstances now existing. Plaintiff reserves the right to amend these amounts as appropriate.

**IV. Insurance Agreements**

Plaintiff has private health insurance through \_\_\_\_\_. Plaintiff has no other insurance policies which may potentially provide coverage related to the incident which forms the basis of this lawsuit.

Defendant is potentially covered by insurance policies carried with \_\_\_\_\_.

DATED this 12th day of April, 2021.

LAW FIRM

By: \_\_\_\_\_  
ATTORNEY'S NAME  
*Attorneys for Plaintiff*

VERIFICATION

STATE OF MONTANA )

:ss

County of \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn, upon oath, deposes and state that she has read the foregoing Plaintiff's Initial Disclosures and knows the contents thereof and the matters and things stated therein are true to the best of her knowledge, information, and belief.

\_\_\_\_\_  
PLAINTIFF'S NAME

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 202\_.

\_\_\_\_\_

ATTORNEY  
LAW FIRM  
STREET ADDRESS  
CITY, STATE, ZIP  
Telephone:  
Facsimile:  
EMAIL

*Attorneys for Plaintiff*

**MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT  
MISSOULA COUNTY**

_____,  Plaintiff,  v.  _____,  Defendant.	Cause No. _____ Dept. No. _____ Judge _____  <b>PLAINTIFF'S INITIAL DISCLOSURES</b>
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Pursuant to the \_\_\_\_\_, Scheduling Order, Plaintiff G.E.R., \_\_\_\_\_, submits the following written disclosure statements based on information reasonably available to Plaintiff as of the date noted below.

**I. WITNESSES PLAINTIFF INTENDS TO CALL AT TRIAL**

- A. NAME  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE

It is anticipated that \_\_\_\_\_ will testify that on \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
\_\_\_\_\_.

B. NAME  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE

It is anticipated that \_\_\_\_\_ will testify that on \_\_\_\_\_, 20\_\_\_\_,

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C. NAME  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE

It is anticipated that \_\_\_\_\_ will testify that on \_\_\_\_\_, 20\_\_\_\_,

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Plaintiff reserves the right to call any witnesses listed by the Defendant, any witnesses disclosed in discovery, and any witnesses needed for impeachment, rebuttal or foundation.

Investigation and discovery are ongoing. Plaintiff reserves the right to supplement these written disclosure statements.

DATED this 12th day of April, 2021.

LAW FIRM

By: \_\_\_\_\_  
ATTORNEY'S NAME  
*Attorneys for Plaintiff*