

**UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

JANE DOE,

Plaintiff,

vs.

LYFT, INC., JOSHUA M. WILLIAMS,
MICHALIA D. WILLIAMS, and TERRI
PARHAM,

Defendants.

Civil Action No. 23-cv-2548-JWB-TJJ

SCHEDULING ORDER

On June 27, 2024, U.S. Magistrate Judge Teresa J. James conducted a scheduling conference in accordance with Fed. R. Civ. P. 16. Plaintiff Jane Doe appeared through counsel Goodwin Johnston LLC, by phone. Defendant Lyft, Inc. (“Lyft”) appeared through counsel Wallace Saunders and Sheppard, Mullin, Richter & Hampton LLP by phone.

After consultation with the parties, the court enters this scheduling order, summarized in the following table:

JANE DOE v. LYFT, INC. et al 23-cv-2548-JWB-TJJ SUMMARY OF DEADLINES AND SETTINGS	
Event	Deadline/Setting
Jointly proposed protective order submitted to court	July 5, 2024
Motion and brief in support of proposed protective order (only if parties disagree about need for and/or scope of order)	July 12, 2024
Exchange documents identified in R. 26 disclosures	July 15, 2024
Motions to amend or join additional parties	September 2, 2024
Comparative fault identification	September 30, 2024
Plaintiff's settlement proposal	January 17, 2025
Experts disclosed	January 17, 2025
Defendant's settlement counter-proposal	January 27, 2025
Jointly filed mediation notice, or confidential settlement reports to magistrate judge	February 7, 2025
Physical and mental examinations	February 7, 2025
Rebuttal experts disclosed	February 21, 2025
Mediation completed	March 10, 2025
ADR report filed	14 days after mediation held
Supplementation of initial disclosures	40 days before the close of discovery.
All discovery completed	March 17, 2025
Proposed pretrial order due	March 31, 2025
Pretrial conference in KCK	April 10, 2025 at 10:00 a.m.
Potentially dispositive motions (e.g., summary judgment)	May 2, 2025
Motions challenging admissibility of expert testimony	May 2, 2025
Jury Trial in KCK — ETT 5-10 days	Set at Pretrial Conference

1. **Alternative Dispute Resolution (ADR).**

After discussing ADR during the scheduling conference, the court determined that settlement potentially would not be enhanced by early mediation. Toward that end, plaintiff must submit a good-faith settlement proposal to defendants by **January 17, 2025**. Defendants' must make a good-faith counter-proposal by **January 27, 2025**. By **February 7, 2025**, either (a) the parties must file a joint notice stating the full name, mailing address, and telephone number of the mediator they selected, along with the firmly scheduled date, time, and place of mediation, or (b) each party must submit a confidential settlement report by e-mail to the undersigned U.S. Magistrate Judge at ksd_james_chambers@ksd.uscourts.gov. These confidential reports must not be submitted to the presiding U.S. District Judge or filed with the Clerk's Office. These confidential reports must set forth in detail the parties' settlement efforts to date (including the amounts of offers exchanged), evaluations of the case, views concerning future settlement negotiations, overall settlement prospects, and a specific recommendation regarding mediation or any other ADR method, e.g., arbitration, early-neutral evaluation, or a settlement conference with a magistrate judge. If the parties cannot agree on a mediator and any party wants the court to select a particular mediator or other ADR neutral, then the parties may each submit up to three nominations in their confidential settlement reports; such nominations must include each nominee's qualifications and billing rates, and confirmation that the nominee already has pre-cleared all ethical and scheduling conflicts. Absent further order of the court, mediation is ordered no later than **March 10, 2025**. Defense counsel must file an ADR report within 14 days after any scheduled ADR process, using the form on the court's website: <http://www.ksd.uscourts.gov/adr-report/>.

2. **Discovery.**

a. The parties served Fed. R. Civ. P. 26(a)(1) initial disclosures regarding witnesses, exhibits, damages, and insurance on June 20, 2024. To facilitate settlement negotiations and to avoid unnecessary expense, the parties have agreed that, without the need for formal requests for production, they will exchange copies of the documents described in their Rule 26(a)(1) disclosures by **July 15, 2024**. Supplemental disclosures must be served at such times and under such circumstances as required by Fed. R. Civ. P. 26(e). In addition, such supplemental disclosures must be served as additional relevant information is identified and, in any event, no later than 40 days before the deadline to complete discovery so as to identify all witnesses and exhibits that may be used at trial so that the opposing party can decide whether to pursue follow-up discovery before the time allowed for discovery expires. Witnesses or other information included in a party's final Fed. R. Civ. P. 26(a)(3) disclosures that did not previously appear in the initial Rule 26(a)(1) disclosures or a timely Rule 26(e) supplement thereto presumptively will be excluded from evidence under Fed. R. Civ. P. 37(c)(1).

b. All discovery must be commenced or served in time to be completed by **March 17, 2025**.

c. By **September 30, 2024**, any party asserting comparative fault must identify all persons or entities whose fault is to be compared and specify the nature of the fault claimed.

d. Expert disclosures required by Fed. R. Civ. P. 26(a)(2) must be served by **January 17, 2025**, and for experts testifying solely to contradict or rebut evidence on the same subject matter identified by another party, disclosures must be served by **February 21, 2025**. The parties must serve any objections to such disclosures (other than objections pursuant to Fed. R. Evid. 702-705, *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), or similar case law), within 14 days after service of the

disclosures. These objections should be confined to technical objections related to the sufficiency of the written expert disclosures (e.g., whether all the information required by Rule 26(a)(2)(B) has been provided) and need not extend to the admissibility of the expert's proposed testimony. If such technical objections are served, counsel must confer or make a reasonable effort to confer consistent with D. Kan. Rule 37.2 before raising those objections in a pre-motion conference with the court pursuant to D. Kan. Rule 37.1(a).

e. The parties agree that physical or mental examinations pursuant Fed. R. Civ. P. 35 are appropriate in this case. The parties must complete all physical or mental examinations under Fed. R. Civ. P. 35 no later than **February 7, 2025**. If the parties disagree about the need for or scope of such an examination, a formal motion must be filed sufficiently in advance of this deadline to allow the motion to be fully briefed and decided by the court, and the examination conducted, all before the deadline expires.

f. Consistent with the parties' agreement, electronically stored information (ESI) in this case will be handled as follows:

The parties will conduct ESI discovery by agreeing upon relevant custodians and search terms. However, the use of search terms does not obviate the need for any party to conduct a reasonable independent search of any electronic devices, websites, or databases to identify potentially responsive documents or communications. The parties agree that, at a minimum, cell phones, cloud storage accounts, social media accounts, and email accounts will be subject to search. The parties will exchange productions of ESI in a format that may be easily loaded to an online review platform (*e.g.*, Relativity) and agree to confer in good faith to identify and produce appropriate load files and metadata to be produced.

g. Consistent with the parties' agreement, claims of privilege or of protection as trial-preparation material asserted after production will be handled in accordance with Federal Rule of Civil Procedure 26(b)(5). The parties agree any inadvertent disclosure(s) of attorney-client privileged or work product protected information shall not waive the privilege.

h. Discovery may be governed by a protective order. If the parties agree on the need for, scope, and form of such a protective order, they must confer and then submit a jointly proposed protective order by **July 5, 2024**. This proposed protective order should be drafted in compliance with the guidelines available on the court's website:

<https://ksd.uscourts.gov/file/919>

At a minimum, such proposed orders must include a concise but sufficiently specific recitation of particular facts that provide the court with an adequate basis upon which to make the required good cause finding pursuant to Fed. R. Civ. P. 26(c). A pre-approved form protective order is available on the court's website:

<https://ksd.uscourts.gov/civil-forms>

If the parties disagree on the need for, scope, and/or form of a protective order, the party or parties seeking such an order must file an appropriate motion and supporting memorandum, with the proposed protective order attached, by **July 12, 2024**.

i. The parties consent to electronic service of disclosures and discovery requests and responses.

j. The expense and delay often associated with civil litigation can be dramatically reduced if the parties and counsel conduct discovery in the "just, speedy, and inexpensive" manner mandated by Fed. R. Civ. P. 1. Accordingly, the parties and counsel are reminded of their important obligations under Fed. R. Civ. P. 26(g) in certifying discovery disclosures, requests, responses, and objections and that the court "must impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both" if the certification violates Rule 26(g) (e.g., overbroad discovery requests, boilerplate objections, etc.) without substantial justification.

3. Motions

a. Any motion for leave to join additional parties or to otherwise amend the pleadings must be filed no later than **September 2, 2024**.

b. All potentially dispositive motions (e.g., motions for summary judgment), must be filed by **May 2, 2025**. The court plans to decide dispositive motions, to the extent they are timely filed and briefed without any extensions, approximately 60 days before trial.

c. Compliance with Fed. R. Civ. P. 56 and D. Kan. Rule 56.1 is mandatory, i.e., summary-judgment briefs that fail to comply with these rules may be rejected, resulting in summary denial of a motion or consideration of a properly supported motion as uncontested. Further, the court strongly encourages the parties to explore submission of motions on stipulated facts and agreement resolving legal issues that are not subject to a good faith dispute. The parties should follow the summary-judgment guidelines available on the court's website:

<https://ksd.uscourts.gov/file/326>.

d. All motions to exclude testimony of expert witnesses pursuant to Fed. R. Evid. 702-705, *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), or similar case law, must be filed by **May 2, 2025**.

e. Before filing any disputed discovery-related motion, and after satisfying the duty to confer or to make a reasonable effort to confer under Fed. R. Civ. P. 37(a)(1) and D. Kan. Rule 37.2, the party intending to file a discovery-related motion must email the court to arrange a telephone conference with the judge and opposing counsel. The email request, preferably in a joint submission, must include a brief, nonargumentative statement of the nature of the dispute; the estimated amount of time needed for the conference, and suggested dates and times; and any preference for conducting the conference in person or by phone. The court will typically grant the request and contact the parties to arrange the conference within a few days. The court will inform

the parties whether any additional information should be submitted or filed in advance of this conference. Unless otherwise requested by the court, no disputed discovery-related motion, material, or argument should be filed or submitted prior this telephone conference. *See* D. Kan. Rule 37.1(a).

f. To avoid unnecessary motions, the court encourages the parties to utilize stipulations regarding discovery procedures. However, this does not apply to extensions of time that interfere with the deadlines to complete all discovery, for briefing or hearing a motion, or for trial. *See* Fed. R. Civ. P. 29; D. Kan. Rule 6.1(c).

g. See D. Kan. Rule 7.1(d)(1)–(4), for applicable page limitations for discovery-related motions, summary judgment motions, and other motions.

4. Pretrial Conference, Trial, and Other Matters.

a. Pursuant to Fed. R. Civ. P. 16(a), a pretrial conference is scheduled for **April 10, 2025 at 10:00 a.m.** before Magistrate Judge Teresa James in the U.S. Courthouse, Room 236 500 State Ave., Kansas City, Kansas. Attorneys wishing to appear by phone may request permission to do so by sending an e-mail to chambers 7 days before the conference; however, the judge may require all parties to appear in person if the pretrial order is not in the appropriate format or other problems require counsel to appear in person. No later than **March 31, 2025**, defense counsel must submit the parties' proposed pretrial order in Word format as an attachment to an e-mail sent to ksd_james_chambers@ksd.uscourts.gov. The proposed pretrial order must not be filed with the clerk's office. It must be in the form available on the court's website:

<https://ksd.uscourts.gov/civil-forms>

b. The parties expect the jury trial of this case to take approximately five to ten days. The trial for this case will be held in Kansas City, Kansas before Chief District Judge Eric Melgren. The court will subsequently set this case for trial at the pretrial conference.

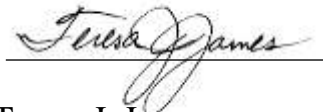
c. If at any time the parties wish to consent to trial by a U.S. Magistrate Judge, they must email the Clerk's Office their signed form, "Notice, Consent, and Reference of a Civil Action to a Magistrate Judge" available on the court's website at:

<https://ksd.uscourts.gov/civil-forms>

d. This scheduling order will not be modified except by leave of court upon a showing of good cause.

IT IS SO ORDERED.

Dated July 9, 2024, at Kansas City, Kansas.



Teresa J. James
U. S. Magistrate Judge