

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

HEAVENLEE SEARS, et al.,

Plaintiffs,

v.

SUMMIT FOOD SERVICE, LLC, at
al,

Defendants.

CV 25-108-GF-JTJ

ORDER

The Court conducted a telephonic preliminary pretrial conference in this matter on June 3, 2026. Caitlin Boland Aarab and Sam Faerevik Aarab appeared on behalf of the Plaintiffs. Chad E. Adams appeared on behalf of the Defendants.

IT IS ORDERED the following schedule will apply:

1. Schedule

All amendments of pleadings and joinder
of parties on or before:

July 6, 2026

All parties shall disclose liability
experts on or before:

October 9, 2026

Plaintiff shall disclose damages experts
(with Rule 26(a)(2)(B) reports) on or before: October 9, 2026

Defendant shall disclose damages experts
(with Rule 26(a)(2)(B) reports) on or before: December 11, 2026

Discovery motions (with supporting
brief) shall be filed on or before: May 21, 2027

Discovery shall close on: June 4, 2027

All pretrial motions, other than discovery
motions, shall be filed and fully
briefed on or before: July 16, 2027

Attorney conference to discuss preparation
of the final pretrial order shall be conducted
on or before: August 27, 2027

Proposed final pretrial order shall be
filed on or before: September 3, 2027

Final pretrial conference: September 9, 2027 at
1:30 p.m
Federal Courthouse
Great Falls, Montana

Trial briefs (optional), jury instructions
and a verdict form shall be filed
on or before:

September 13, 2027

Jury Trial (6 member jury):

September 20, 2027
at 9:00 a.m.

Federal Courthouse
Great Falls, Montana

The parties may stipulate to the extension of any of the above deadlines that precede the motions deadline, without a court order. Any party seeking a continuance of the motions deadline or any subsequent deadline must file a motion with the Court.

2. Amending Pleadings and Joining Parties

The parties are not required to seek leave of the Court to amend pleadings or join parties prior to the deadline established in paragraph 1.

3. Discovery and Discovery Issues

All written discovery shall be served 35 days before the end of discovery.

Any unresolved discovery disputes must be presented to the Court for resolution promptly. Before filing a discovery motion, the parties shall e-mail Sara Luoma at

sara_luoma@mtd.uscourts.gov and request that the Court conduct a telephonic conference for the purpose of discussing the discovery dispute. Discovery motions should be filed only if the discovery dispute remains unresolved following the telephone conference. When a discovery motion is fully-briefed, both parties must file affidavits with the Court detailing their known fees and costs associated with the motion.

4. Motions

Unopposed motions shall be accompanied by a proposed order, separate from the motion. The proposed order shall be e-filed under the heading “Proposed Order” and e-mailed to sara_luoma@mtd.uscourts.gov.

5. Identification and Authenticity of Written Documents

The parties stipulate as to identification and authenticity for all written documents produced in pretrial disclosure and during the course of discovery, except as provided in this paragraph. If a party objects to either the identification or the authenticity of a particular document produced by another party, the objecting party must make and serve a specific objection upon all other parties, in writing, prior to the deadline for the close of discovery. If a document is produced and the producing party objects either to identification or authenticity, the

producing party shall so state, in writing, to all other parties at the time of production. All other objections are reserved for trial.

6. Expert Reports

a. Witnesses Retained or Specially Employed

Expert reports for any witness retained or specially employed to provide expert testimony in the case, or whose duties as an employee of a party involve giving expert testimony shall be served on or before the disclosure deadline specified in paragraph 1. Such reports must comply with Fed. R. Civ. P. 26(a)(2)(B). The reports must be complete, comprehensive, accurate, and tailored to the issues on which the expert is expected to testify. Objections to the timeliness or sufficiency of an expert report must be filed in the form of a motion within 14 days of the disclosure date set forth in paragraph 1, or the objection will be deemed waived. Objections related to expert witnesses or testimony on any grounds other than the timeliness or sufficiency of an expert report are appropriately raised through motions in limine submitted by the date set forth in paragraph 1, and need not be raised within this 14 day window. An inadequate report or disclosure may result in exclusion of the expert's opinions at trial even if the expert has been deposed. **Any**

expert disclosures for purposes of rebuttal shall be served within 30 days of service of the report being rebutted.

b. Other Witnesses who will Present Expert Testimony

With respect to those expert witnesses not required to provide a written report under Rule 26(a)(2)(C), a party must still serve a written disclosure, identifying the evidence and stating:

- (i) the subject matter on which the witness is expected to present evidence under Fed. R. Evid. 702, 703, or 705; and
- (ii) a summary of the facts and opinions to which the witness is expected to testify.

7. Supplemental Disclosure

Initial reports or depositions of experts determined to be inaccurate or incomplete shall be corrected or completed by supplemental disclosure no later than 90 days before trial.

8. Interim Status Conference

The Court will convene an interim status conference upon application by any party if deemed necessary or appropriate by the requesting party.

9. Number of Jurors and Length of Trial

Trial of this case shall be conducted in Great Falls, Montana, before a jury of six persons. **Trial will last 8 days.**

10. Attorney Conference for Trial Preparation

If the case does not settle, counsel for the plaintiff shall convene an attorneys' conference during the week indicated in paragraph 1, or before, to complete the Final Pretrial Order, to exchange exhibits and witness lists, and to complete or plan for the completion of all items listed in L.R. 16.4(b). The Final Pretrial Order shall comply with the form prescribed by Fed. R. Civ. P. 26(a)(3)(A)(i)-(iii) and Local Rule 16.4. Except for relevancy, objections to the use or designation of deposition testimony are waived if they are not disclosed on the opposing party's witness list, and objections to exhibits are waived if they are not disclosed on the opposing party's exhibit list. See generally Forms D, E, and F, Local Rules Appendix C.

11. Final Pretrial Order

The parties should e-file the proposed Final Pretrial Order and e-mail a copy in Word format to sara_luoma@mtd.uscourts.gov. Once filed and signed by the Court, the Final Pretrial Order supersedes all prior pleadings and may not be amended except by leave of court for good cause shown.

12. Final Pretrial Conference

Counsel for the parties shall appear before the Court at the Missouri River Federal Courthouse in Great Falls, Montana, for the final pretrial conference on the date and time set forth in paragraph 1. Each party should bring a copy of its trial exhibits if a copy has not already been delivered to chambers.

13. Trial Briefs

Trial briefs are optional. If a party wishes to file a trial brief, the brief must be filed on or before the date indicated in paragraph 1.

14. Jury Instructions

The parties shall jointly prepare jury instructions upon which they agree (proposed joint instructions). If necessary, each party may also prepare a set of proposed supplemental instructions if different from the agreed joint instructions. **No two instructions shall be submitted with the same number.** The parties shall also prepare an agreed upon verdict form with the instructions. If a verdict form cannot be agreed to, each party shall prepare a separate verdict form together with a written statement explaining why they do not agree on a joint verdict form.

b. Filing of Joint Proposed Jury Instructions and Joint Proposed Verdict Form: By the date set forth in paragraph 1, any party filing electronically or, if no party is filing electronically, Plaintiff's counsel shall (1) file one working copy of the Joint Proposed Jury Instructions and Joint Proposed Verdict Form, and (2) e-mail the same documents, plus a clean copy of each, in Word format to sara_luoma@mtd.uscourts.gov. If the documents are filed conventionally, the filing party must deliver them to the Clerk of Court in Great Falls, Montana.

c. Electronic Filers' Supplemental Proposed Jury Instructions and Separate Verdict Forms: By the date set forth in paragraph 1, each party shall (1) file one working copy of its supplemental proposed Jury Instructions, together with its proposed verdict form if the parties do not jointly propose one; and (2) e-mail the same documents, plus a clean copy of each, in WordPerfect format to sara_luoma@mtd.uscourts.gov.

d. Conventional Filers' Supplemental Proposed Jury Instructions and Separate Verdict Forms: By the date set forth in paragraph 1, each party shall (1) deliver to the Clerk of Court in Great Falls, Montana one working copy of its supplemental proposed Jury Instructions, together with its proposed verdict form if the parties do not jointly propose one; and (2) e-

mail the same documents, plus a clean copy of each, to

sara_luoma@mtd.uscourts.gov.

15. Format of Jury Instructions

a. The clean copy shall contain:

- (1) a heading reading “Instruction No. ____”, and
- (2) the text of the instruction.

b. The working copy shall contain:

- (1) a heading reading “Instruction No. __”,
- (2) the text of the instruction,
- (3) the number of the proposed instruction,
- (4) the legal authority for the instruction, and
- (5) the title of the instruction; i.e., the issue of law addressed by the proposed instruction.

c. Jury instructions shall be prepared in 14-point Times New Roman font.

16. Settling of Instructions

The parties are advised that final instructions for submission to the jury will be settled on the record, prior to closing arguments, at which time Counsel may present argument and make objections.

17. Trial Exhibits - present argument and make objections.

a. Counsel shall electronically exchange exhibits (by CD, DVD, e-mail, or other agreed upon method) with opposing counsel prior to the final pretrial conference. Counsel must provide a binder of paper copies of the exhibits upon request of opposing counsel.

b. Each exhibit must show the number of the exhibit. If paper copies of the exhibits are exchanged, the binders must bear an extended tab showing the number of the exhibit. The exhibit list must identify those exhibits the party expects to offer and those the party may offer if the need arises. Fed. R. Civ. P. 26(a)(3)(A)(iii); Form F, Local Rules Appendix C.

c. Exhibits marked for use at trial that have not been numbered in discovery shall be marked by Plaintiff using 1-500 and by Defendant starting at 500.

d. Each exhibit must be internally paginated, including any attachments thereto. Exhibits shall not be duplicated. An exhibit may be used by either of the parties.

e. Counsel shall file with the Court a thumb drive, CD or DVD of the exhibits, as well as one paper copy of the exhibits. The paper copy shall be formatted as described in (b), above. The electronic files and paper copy shall be delivered to the Clerk of Court in Great Falls, Montana on or before the date of the final pretrial conference.

f. Failure to comply with (a) through (e) above may result in the exclusion of the exhibit at trial. **The parties are advised to comply with Local Rule 5.1 regarding the filing of exhibits after trial.**

18. Jury Evidence Recording System (JERS)

The parties shall be prepared to use the Jury Evidence Recording System (JERS). JERS is available through the Court. It allows jurors to use a touch-screen to see the evidence admitted at trial in the jury room during their deliberations. Detailed information about how to use JERS, including contact information for District personnel who can explain further, is found on the Court's website, <http://www.mtd.uscourts.gov/> under the heading "Attorneys." Parties must contact the Clerk's office for technical assistance for the use of JERS by the

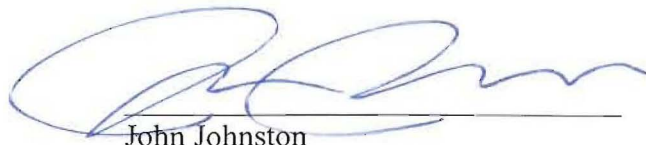
time of the Final Pretrial Conference in the case and in no event less than two weeks before trial.

19. Calling Witnesses at Trial

When a witness is called to testify at trial, the day of trial, counsel shall provide to the Clerk of Court four (4) copies of a single page document, see Form I, Local Rules Appendix C, providing the following information about the witness:

- a. the full name and current address of the witness;
- b. a brief description of the nature and substance of the witness's testimony;
- c. date witness was deposed or statement taken; and
- d. a listing of each exhibit to which the witness may refer during direct examination.

DATED this 3rd day of June 2026.


John Johnston
United States Magistrate Judge