

**HRCP Rule 16. PRE-TRIAL CONFERENCES; SCHEDULING; MANAGEMENT.**

**(a) Pretrial conferences; objectives.** In any action, the court may in its discretion direct lead counsel or other attorneys for the parties and any unrepresented parties to appear before it for a conference or conferences before trial for such purposes as

- (1) expediting the disposition of the action;
- (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) discouraging wasteful pretrial activities;
- (4) improving the quality of the trial through more thorough preparation; and
- (5) facilitating the settlement of the case.

**(b) Scheduling and planning.** ~~The court shall, after consulting with the attorneys for the parties and any unrepresented parties by a scheduling conference, telephone, mail, or other suitable means, enter a scheduling order that limits the time~~

- ~~(1) to join other parties and to amend the pleadings;~~
- ~~(2) to file motions; and~~
- ~~(3) to complete discovery.~~

(1) ISSUING ORDER. Except in cases exempted by the Rules of the Circuit Courts, the court must issue a scheduling order after consulting with the parties' attorneys and any unrepresented parties at a scheduling conference.

(2) TIME TO ISSUE. The court must issue the scheduling order as soon as practicable, but unless the court finds good cause for delay, the court must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.

(3) CONTENTS OF THE SCHEDULING ORDER.

(A) Required Contents. The scheduling order must: (a) set the date for trial; (b) limit the time to join other parties,

amend the pleadings, complete discovery, and file motions; (c) assign the case to a tier under Rule 16.1; and (d) include other matters required by the Rules of the Circuit Courts.

(B) Permitted Contents. The scheduling order may ~~also include:~~

(i) modify the timing of disclosures under Rules 26(a) and 26(e);

~~(4ii) modifications modify the extent of discovery to be permitted;~~

(iii) provide for disclosure, discovery, or preservation of electronically stored information;

(iv) include any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after information is produced;

(v) direct that before moving for an order relating to discovery, the movant must request a conference with the court;

~~(5) the date or dates for conferences before trial, a final pretrial conference, and trial; and~~

(vi) set dates for pretrial conferences, including a final pretrial conference;

(vii) set deadlines for the exchange and submission of trial materials, including exhibits, stipulations, deposition and trial preservation testimony, proposed jury instructions, and proposed questions for jury selection; and

~~(6) any other matters appropriate in the circumstances of the case.~~

(viii) include other appropriate matters.

(4) SCHEDULING CONFERENCE. Within the earlier of 14 days after any defendant has been served with the complaint or has appeared, the plaintiff shall file a notice requesting a Scheduling Conference to be set by the court. The court shall then issue an order or a notice setting the Scheduling Conference date. The plaintiff shall promptly serve the order or notice issued by the court setting the Scheduling Conference date on all parties who have been served with the complaint, except those who have appeared in the case before the order or notice was issued.

The Scheduling Conference shall be attended by each party who has appeared in the case or that party's lead counsel.

(5) MODIFYING A SCHEDULE. A schedule ~~shall not~~ may be modified ~~except upon a showing of~~ only for good cause and ~~by leave of~~ with the ~~court~~ judge's consent.

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