

2018 Kansas Statutes

60-216. Pretrial conferences; case management conference. (a) *Purposes of a pretrial conference.* In any action, the court must on the request of any party, or may without a request, order the attorneys for the parties and any unrepresented parties to appear for one or more conferences to expedite processing and disposition of the litigation, minimize expense and conserve time.

(b) *Case management conference.* In any action, the court must on the request of any party, or may without a request, conduct a case management conference with attorneys and any unrepresented parties. The court must schedule the conference as soon as possible. The conference must be conducted within 45 days after the filing of an answer, unless the court extends the time to meet the needs of the case.

(1) At a case management conference the court must consider and take appropriate action on the following matters:

- (A) Identifying the issues and exploring the possibilities of stipulations and settlement;
- (B) determining whether the action is suitable for alternative dispute resolution;
- (C) exchanging information on the issues, including key documents and witness identification;
- (D) establishing a plan and schedule for discovery, including setting limits on discovery, if any, designating the time and place of discovery, restricting discovery to certain designated witnesses or requiring statements be taken in writing or by use of electronic recording rather than by stenographic transcription;
- (E) determining issues relating to disclosure, discovery or preservation of electronically stored information, including the form or forms in which it should be produced;
- (F) determining issues relating to claims of privilege or of protection as trial-preparation material, including any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after information is produced, including agreements reached under K.S.A. 60-426a, and amendments thereto;
- (G) requiring completion of discovery within a definite number of days after the conference has been conducted;
- (H) setting deadlines for filing motions, joining parties and amendments to the pleadings;
- (I) setting the date or dates for conferences before trial, a final pretrial conference, and trial; and
- (J) such other matters as are necessary for the proper management of the action.

(2) If a case management conference is held, no depositions, other than of the parties may be taken until after the conference is held, except by agreement of the parties, by order of the court or as provided in K.S.A. 60-230(a)(2)(B), and amendments thereto. If the case management conference is not held within 45 days after the filing of an answer, the restrictions of this paragraph no longer apply.

(3) If discovery cannot be completed within the time originally prescribed by the court, the party not able to complete discovery may file a motion for additional time to complete discovery. The motion must be filed prior to the expiration of the original period, contain a discovery plan and state the reason why discovery cannot be completed within the original period. If additional time is allowed, the court must grant only that amount of time reasonably necessary to complete discovery.

(c) *Attendance and matters for consideration at a pretrial conference.* (1) *Attendance.* A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can be reasonably anticipated for discussion at a pretrial conference. If appropriate, the court may require that a party or its representative be present or reasonably available by other means in order to consider possible settlement of the dispute. The court may allow a pretrial conference to be held by a telephone conference call or other means.

(2) *Matters for consideration.* At any pretrial conference, the court may consider and take appropriate action on the following matters:

- (A) Simplifying the issues;
- (B) determining the issues of law that may eliminate or affect the trial of issues of fact;
- (C) amending the pleadings if necessary or desirable;
- (D) obtaining admissions and stipulations about facts and documents to avoid unnecessary proof;
- (E) limiting the number of expert witnesses;
- (F) referring issues to a master; and
- (G) such other matters as may aid in the disposition of the action, including alternative dispute resolution.

(d) *Pretrial orders.* After any conference held under this section, the court should issue an order reciting the action taken. This order controls the subsequent course of the action unless the court modifies it.

(e) *Final pretrial conference and orders.* In any action, the court must on the request of any party, or may without a request, conduct a final pretrial conference in accordance with procedures established by rule of the supreme court. The court may modify the order issued after a final pretrial conference only to prevent manifest injustice.

(f) *Sanctions.* (1) *In general.* On motion or on its own, and after opportunity to be heard, the court may issue any just orders, including those authorized by K.S.A. 60-237(b)(2)(A)(ii) through (vii), and amendments thereto, if a party or its attorney:

- (A) Fails to appear at a case management or other pretrial conference;
- (B) is substantially unprepared to participate, or does not participate in good faith, in the conference; or
- (C) fails to obey a scheduling or other pretrial order.

(2) *Imposing fees and costs.* Instead of, or in addition to any other sanction, the court must order the party, its attorney, or both to pay the reasonable expenses, including attorney's fees, incurred because of any noncompliance with this section, unless the noncompliance was substantially justified or other circumstances make an award of expenses unjust.

History: L. 1963, ch. 303, 60-216; L. 1986, ch. 215, § 4; L. 1997, ch. 173, § 9; L. 2008, ch. 21, § 1; L. 2010, ch. 135, § 83; L. 2017, ch. 75, § 3; July 1.