

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Chapter 1
Rules of Civil Procedure

. . . .

Division II
Actions, Joinder of Actions, and Parties

. . . .

G. Expedited Civil Actions

Rule 1.281 Expedited civil actions

1.281(1) *General provisions.*

. . . .

c. Electing expedited procedures. Eligible plaintiffs can elect to proceed as an expedited civil action by certifying that the sole relief sought is a money judgment and that all claims (other than compulsory counterclaims) for all damages by or against any one party total \$75,000 or less, including damages of any kind, penalties, pre-filing interest, and attorney fees, but excluding prejudgment interest accrued after the filing date, postjudgment interest, and costs. The certification must be on a form approved by the supreme court and signed by all plaintiffs and their attorneys if represented. Eligible plaintiffs must file the certification before the discovery conference deadline under rule 1.507(1). The certification is not admissible to prove a plaintiff's damages in the expedited civil action or in any other proceeding.

. . . .

1.281(4) *Procedure for expedited trials.*

. . . .

b. Trial setting. The court shall set the expedited civil action for trial on a date certain, which will be a firm date except that the court may later

Public comment period: August 29, 2016, to September 29, 2016

1 reschedule the trial for another date during the same week. Unless the court
2 otherwise orders for good cause shown, expedited civil actions must be tried
3 within one year of filing of the petition.

4

5
6 **Division V**

7 Discovery and Inspection

8

9 **Rule 1.505 Timing and sequence of discovery.**

10 **1.505(1) Timing.**

11 a. A party may not seek discovery from any source before the parties have
12 conferred as required by rule 1.507, except in a proceeding exempt from initial
13 disclosure under rule 1.500(1)(e), or when authorized by these rules, by
14 stipulation, or by court order. In domestic relations proceedings, unless it has
15 been stipulated or ordered that initial disclosures under rule 1.500(1)(d) need
16 not be made, a party may not seek discovery from any source before the initial
17 disclosures under rule 1.500(1)(d) have occurred.

18

19 **Rule 1.507 Discovery conference of the parties.**

20 **1.507(1) Conference timing.** Except in a proceeding exempt from initial
21 disclosure under rule 1.500(1)(e) or when the court orders otherwise, the
22 parties must confer as soon as practicable, but no later than 21 days after any
23 defendant has answered or appeared. In cases transferred to the district court
24 from the small claims court, the parties must confer as soon as practicable,
25 but no later than 21 days after the date the case is docketed in the district
26 court. The plaintiff must notify all parties of the discovery conference deadline.

Public comment period: August 29, 2016, to September 29, 2016

1 Except as otherwise stipulated or ordered by the court, the filing of a pre-
2 answer motion under rule 1.421 does not affect the obligation to participate in
3 the discovery conference or to make disclosures required by rule 1.500(1).

4

5

6 **Rule 1.510 Requests for admission.**

7 **1.510(1)** *Availability; procedures for requests.* A party may serve upon any
8 other party a written request for the admission, for purposes of the
9 pending action only, of the truth of any matters within the scope of rule
10 1.503 set forth in the request that relate to statements or opinions of fact or
11 of the application of law to fact, including the genuineness of any
12 documents described in the request. Copies of documents shall be served
13 with the request unless they have been or are otherwise furnished or made
14 available for inspection and copying. ~~The request may, without leave of court,~~
15 ~~be served upon the plaintiff after commencement of the action and upon any~~
16 ~~other party with or after service of the original notice upon that party.~~

17 Each matter of which an admission is requested shall be separately set
18 forth.

19 A party shall not serve more than 30 requests for admission on any other
20 party except upon agreement of the parties or leave of court granted upon a
21 showing of good cause. A motion for leave of court to serve more than 30
22 requests for admission must be in writing and shall set forth the proposed
23 requests and the reasons establishing good cause for their use.

24

1 Rule 23.5—Form 2: *Trial Scheduling and Discovery Plan*

2

3 **9. Pretrial submissions**

4 At least **14 or** __ (the parties may enter another number but not less than **7**) **days before**
5 **trial**, counsel for the parties and self-represented litigants must:

6 A. File a **witness and exhibit** list with the clerk of court, serve a copy on opposing
7 counsel and self-represented litigants, and exchange exhibits. In electronic cases,
8 witness and exhibit lists must be electronically filed, and the EDMS system will serve
9 copies on all registered parties. Exhibits must be electronically submitted in lieu of
10 exchanging them. These disclosures must include the following information about the
11 evidence that the disclosing party may present at trial other than solely for
12 impeachment:

13

14
15 (3) An identification of each document or other exhibit, including summaries of other
16 evidence, separately identifying those items the party expects to offer and those it
17 may offer if the need arises. The following rules govern exhibits and exhibit lists:

18

19 d. Within 7 days after the filing of an exhibit list, or within 4 days if the deadline
20 for filing of the list is less than 10 days before trial, counsel and self-
21 represented litigants must file with the clerk of court, and serve on each party,
22 any ~~identification, authentication, and foundation objections to the exhibits~~
23 ~~listed; otherwise such objections are deemed **waived** for trial purposes to the~~
24 exhibits listed. In electronic cases, any ~~identification, authentication, and~~
25 ~~foundation~~ objections will be electronically filed, and the EDMS system will
26 serve copies on all registered parties. Electronic filing of these objections must
27 be done within 7 days of the filing of an exhibit list, or within 4 days if the
28 deadline for filing of the list is less than 10 days before trial; ~~otherwise, such~~
29 ~~objections are deemed **waived** for trial purposes. An objection not so made,~~
30 except for one under Iowa Rules of Evidence 5.402 or 5.403, is **waived** unless
31 excused by the court for good cause.

32

33

34

1 Rule 23.5—Form 3: *Trial Scheduling and Discovery Plan for Expedited Civil*
2 *Action*

3

4 **9. Pretrial submissions**

5 At least **14 or** __ (the parties may enter another number but not less than **7**) **days before**
6 **trial**, counsel for the parties and self-represented litigants must:

7 A. File a **witness and exhibit** list with the clerk of court, serve a copy on opposing
8 counsel and self-represented litigants, and exchange exhibits. In electronic cases,
9 witness and exhibit lists must be electronically filed, and the EDMS system will serve
10 copies on all registered parties. Exhibits must be electronically submitted in lieu of
11 exchanging them. These disclosures must include the following information about the
12 evidence that the disclosing party may present at trial other than solely for
13 impeachment:

14

15
16 (3) An identification of each document or other exhibit, including summaries of other
17 evidence, separately identifying those items the party expects to offer and those it
18 may offer if the need arises. The following rules govern exhibits and exhibit lists:

19

20 d. Within 7 days after the filing of an exhibit list, or within 4 days if the deadline
21 for filing of the list is less than 10 days before trial, counsel and self-
22 represented litigants must file with the clerk of court, and serve on each party,
23 any ~~identification, authentication, and foundation~~ objections to the exhibits
24 listed; ~~otherwise such objections are deemed waived for trial purposes.~~ In
25 electronic cases, any ~~identification, authentication, and foundation~~ objections
26 must be electronically filed, and the EDMS system will serve copies on all
27 registered parties. Electronic filing of these objections must be done within 7
28 days of the filing of an exhibit list, or within 4 days if the deadline for filing of
29 the list is less than 10 days before trial; ~~otherwise, such objections are deemed~~
30 ~~waived for trial purposes.~~ An objection not so made, except for one under Iowa
31 Rules of Evidence 5.402 or 5.403, is **waived** unless excused by the court for
32 good cause.

33

34