

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 :
 Plaintiff(s): ~~XX-CV-XX-~~ Civ.
 (KBF)
 -v-
 :
Plaintiff(s), :
 : ~~CIVIL CASE~~
 :
 Defendant(s): ~~AND :~~
 SCHEDULING ORDER
 -v-
 :
 :
 :
 :
 :
Defendant (s) . :
 : ~~ORDER~~
 -----X

~~This Civil Case Management Plan (the "Plan") is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3).~~

KATHERINE B. FORREST, District Judge:

The parties propose the following schedule for this matter:

1. All parties [~~consent~~do / do not-] consent ~~+~~ to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. ~~[If all parties consent, the remaining paragraphs need not be completed.]~~ 2. Settlement discussions [~~have/ have not~~] taken place
- ~~3. The parties [have / have not] conferred pursuant to Fed. R. Civ. P. 26(f).~~
- ~~4. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within _____ days from the date of this Order. [Absent exceptional circumstances, thirty (30) days.]~~
- ~~5. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than _____ days from the date of this Order. [Absent exceptional circumstances, fourteen (14) days.]~~

6. ~~Fact Discovery~~

a. ~~At least 120 days~~ [A period not to exceed 120 days, unless the Court finds that the case presents unique complexities or other exceptional circumstances.]

b. _____ Initial requests for production of documents shall be served by _____.

c. Interrogatories shall be served by _____.

d. Depositions shall be completed by _____.

e. Requests to admit shall be served by _____.

f. Any of the deadlines in paragraphs 6(b) through 6(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 6(a).

7. ~~Expert Discovery~~

2. Close of fact discovery: _____
[within 4 months]

~~a. All~~ 3. Close of expert _____
discovery, including expert depositions,
shall be completed no later :

than _____. [Absent exceptional circumstances, a date twenty five (25) days from the date in paragraph 6(a) (i.e., the completion of all fact discovery).]

b. Plaintiff's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made on or before _____.

c. Defendant's expert disclosures _____ [25]
pursuant to Fed. R. Civ. P. 26(a)(2) shall be made
on or before _____.

d. The interim deadlines in paragraphs 7(b) and 7(c) may be extended by the written consent of all parties without application to the Court, provided that expert discovery is completed by the date set forth in paragraph 7(a).

8. All motions and applications shall be governed by the Court's Individual Practices.

9. All counsel must meet in person to discuss settlement within fourteen (14) days following days after the close of fact discovery.]

The parties contemplate experts in this matter for the

following subject(s): _____
_____ =

4. The parties [do / do not] anticipate making dispositive motions. The contemplated dispositive motion(s) is/are a motion(s) _____.

Proposed briefing schedule: _____

Opening: _____

Opp'n: _____
Reply: _____

[Opening brief filed no later than the close of expert discovery; full briefing shall be completed within 52 days of the opening brief]

~~10. a. Counsel for the parties have discussed an informal exchange of information in aid of early settlement of this case and have agreed upon the following:~~

~~b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. Counsel for the parties propose the following alternate dispute resolution mechanism for this case:~~

~~c. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph 10(b) be employed at the following point in the case (e.g., within the next sixty days; after the deposition of plaintiff is completed (specify date); after the close of fact discovery):~~

~~d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.~~

5. ~~11.A Joint Final~~ All pretrial materials, including the Joint Pretrial Order prepared in accordance with the Court's

~~Individual Practices~~

~~and Fed. R. Civ. P. 26(a)(3) is due on _____ . [Twenty (20) days after the close of all discovery absent exceptional circumstances (subject to change if a dispositive motion is filed).] Any motions *in limine* shall be filed on or before the date on which the Final Pretrial Order is due. If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and verdict form shall also be filed on or before the Final Pretrial Order due date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the joint submission. Jury instructions may not be submitted after the Final Pretrial Order due date, unless they meet the standard of Fed. R. Civ. P. 51(a)(2)(A). If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted on or before the Final Pretrial Order due date.~~

~~12. The parties shall be ready for trial on _____. [Absent exceptional circumstances, a date within two weeks following the Final Pretrial Order due date.]~~

~~13. This case [is / is not] to be tried to a jury.~~

~~14. Counsel for the parties have conferred and their present best estimate of the length of trial is _____.~~

~~15. Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Fed. R. Civ. P. 26(f)(3), are set forth below.~~

~~Counsel for the Parties:~~

TO BE COMPLETED BY THE COURT:

~~The Plan has been reviewed by the Court and, except as modified, is adopted as the Scheduling Order of the Court in accordance with Fed. R. Civ. P. 16(b).~~

~~16. _____ [Other] _____~~

Order ("JPTO") : _____ . [20 days from close of all discovery]

6. Trial in this matter shall commence on _____ . Trial [will / will not] be before a jury. Trial is anticipated to take _____ [days / weeks].

Absent exceptional circumstances, the proposed trial date shall be no more than one month after the JPTO.

7. For the Court: The next status conference in this
~~17. The next Case Management Conference is scheduled~~ matter is set for
_____ at _____ .

~~This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein (except as provided in paragraphs 6(f) and 7(d)) shall be made in a written application in accordance with the Court's Individual Practices and shall be made no less than two (2) business days prior to the expiration of the date sought to be extended.~~

SO ORDERED:

KATHERINE B. FORREST
United States District Judge

Dated: New York, New York
_____, 2012

Katherine B. Forrest
UNITED STATES DISTRICT JUDGE