

1 have authority to enter into stipulations and make admissions regarding all matters which
2 may be discussed.

3 **IT IS FURTHER ORDERED** that, pursuant to Rule 26(f) of the Federal Rules of
4 Civil Procedure, counsel are directed to confer at least **21 days** prior to the scheduling
5 conference to discuss the following matters:

- 6 1. Any matters relating to jurisdiction or venue or the joinder of additional
7 parties;
- 8 2. The scope of discovery. Counsel are expected to comply with Rule 26(f),
9 Federal Rules of Civil Procedure, and seek to minimize the expense of
10 discovery. The parties shall determine how to handle the disclosure or
11 discovery of electronically stored information. The parties shall make any
12 agreements as to how to handle claims of privilege or claims of protection for
13 trial-preparation materials asserted after production;
- 14 3. Initial Disclosures. **Prior to or when the parties confer pursuant to Rule**
15 **26(f), counsel should make the necessary disclosures required under Rule**
16 **26(a)(1). See Fed. R. Civ. P. 26(a)(1)(C) (providing for the Court to set the**
17 **time for initial disclosures), see Fed. R. Civ. P.26(f)(2) (providing for**
18 **initial disclosures to be made when parties confer). The parties shall**
19 **include in their discovery plan when they made initial disclosures. Fed.**
20 **R. Civ. P.26(f)(3)(A);**
- 21 4. A schedule for all pre-trial proceedings;
- 22 5. Modification of pre-trial procedures due to the simplicity or complexity of the
23 case;
- 24 6. Prospects for settlement; and
- 25 7. Any other matters which counsel may feel will help dispose of the matter in
26 an efficient manner.

1 **IT IS FURTHER ORDERED** that the parties shall prepare a **joint** Case
2 Management Plan and file it with the Court not less than **5 days** before the Rule 16
3 scheduling conference. The report shall include individually numbered brief statements
4 indicating:

- 5 1. The names and telephone numbers for counsel who are appearing at the
6 Pretrial Scheduling Conference.
- 7 2. The nature of the case, setting forth the factual and legal basis of plaintiff's
8 claims and defendant's defenses;
- 9 3. The factual and legal issues genuinely in dispute and whether they can be
10 narrowed by stipulation or motions;
- 11 4. The jurisdictional basis of the case, citing specific statutes;
- 12 5. The parties, if any, that have not been served;
- 13 6. The names of parties not subject to the Court's jurisdiction;
- 14 7. Whether there are dispositive or partially dispositive issues to be decided by
15 pre-trial motions;
- 16 8. Whether the case is suitable for reference to arbitration, to a master, or to a
17 magistrate for trial;
- 18 9. The status of related cases pending before other judges of this court or before
19 other courts;
- 20 10. Proposed deadlines for discovery, including when initial disclosures were
21 made; filing dispositive motions, and a pre-trial statement;
- 22 11. Estimated date that the case will be ready for trial and the estimated length of
23 trial;
- 24 12. Whether a jury trial has been requested;
- 25 13. The prospects for settlement, including whether any party wishes to have a
26 settlement conference with another judge or magistrate and how settlement
27 efforts can be assisted;
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1 14. In class actions, the proposed dates for class certification proceedings and
2 other class issues. Such certification will result in the case being reassigned
3 to the complex track for case management purposes

4 15. Any unusual, difficult, or complex problems affecting the conduct of the case.
5 If the parties believe that discovery will require more than six months, counsel
6 MUST provide an explanation showing why, in the instant case, a lengthier
7 period for discovery is **necessary and essential**; and

8 16. Any other matters which counsel feel will aid the Court in expediting the
9 disposition of this matter efficiently.

10 After the scheduling conference, the Court will enter a Rule 16 Scheduling Order
11 setting the time within which counsel may complete discovery, file pre-trial dispositive
12 motions, and file the proposed pre-trial order. The Court's Order shall control the course of
13 the action unless modified by subsequent Order.

14 DATED this 2nd day of April, 2014.

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18 David C. Bury
19 United States District Judge
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