

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

Plaintiff(s),

vs.

Case No. _____

Defendant(s).

INSTRUCTIONS CONCERNING RULE 16(B) SCHEDULING ORDER SUBMISSION
Eastern Division cases

A Scheduling Order pursuant to Rule 16(b) of the Federal Rules of Civil Procedure is to be submitted to the undersigned's ecf mail box by the date reflected in your Notice of Electronic Filing. If a joint order cannot be reached, counsel are to notify the office of the undersigned THREE (3) DAYS PRIOR to the submission deadline at 731-421-9273. If necessary, a conference will be scheduled. Out of town attorneys for a party may participate by phone, however, counsel must advise the court's secretary in advance that they will be attending by phone and any conference call must be initiated by the office of counsel who it not personally appearing.

Counsel are advised that the early disclosure requirements of Rule 26(a)(1) and (2), FRCP, will be enforced. Therefore, counsel shall in accordance with Rule 26(a) exchange the following information within fourteen (14) days after the Scheduling Conference, unless stipulated otherwise:

- i. Identities of individuals likely to have knowledge of discoverable facts
- ii. Documents and things in possession of counsel or the party, or description thereof
- iii. Statement of the basis for any damages claimed
- iv. Identities of experts and their opinions

At least twenty-one (21) days prior to Rule 16 (b) Scheduling Order submission date, counsel shall confer pursuant to Rule 26(f) FRCP, and shall submit a proposed Scheduling Order, **in word processing format**, to the undersigned via email at: ECF Judge Anderson@tnwd.uscourts.gov, by the date reflected in your Notice of Electronic Filing. The proposed Scheduling Order may include a summary of the status of settlement negotiations. Counsel may refer to the sample scheduling order attached, or to Form 35,

Appendix of Forms to the Federal Rules of Civil Procedure, as amended, December 1, 1993, which can be used as a checklist of items to be discussed at the Rule 26(f) meeting. **The trial date, pretrial conference date and the pretrial order deadline will be determined by the presiding judge. Counsel will be notified of these settings after entry of the Scheduling Order.**

Counsel are further advised, that absent agreement of the parties, no formal discovery demand may issued pending the meeting under Rule 26(f). Unless the parties stipulate otherwise, a limitation will be placed on the number of interrogatories (25) and depositions (10) which each party may seek.

Should a conference be held with the Court, all parties who are not appearing pro se, shall be represented by counsel who shall have full authority to bind their clients in all pretrial matters. Failure to appear at a Rule 16(b) conference, or to comply with the directions of the Court set forth herein, may result in an ex parte hearing being held and the entry of such order as is just, including a judgment of dismissal with prejudice, or entry of a default judgment, or other appropriate sanctions, without further notice to the party failing to appear.

A final Scheduling Order will be entered to include deadlines for filing motions, deadlines for discovery and the establishment of the pretrial order deadline and trial date.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

Model Order

Plaintiff(s),

vs.

Case No. _____

Defendant(s).

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)):

No later than 14 days after the order submission deadline, unless a later date is authorized by the Court due to special circumstances.

JOINING PARTIES:

For Plaintiff: (within 2 months after the order submission deadline)
For Defendant: (within 3 months after the order submission deadline)

AMENDING PLEADINGS:

For Plaintiff: (within 2 months after the order submission deadline)
For Defendant: (within 3 months after the order submission deadline)

COMPLETING ALL DISCOVERY: Within 6 to 8 months after the order submission deadline.

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUEST FOR ADMISSIONS:** Within 6 to 8 months after the order submission deadline.

- (b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**
 - (i) Plaintiff's Experts: No later than 2 months before close of discovery
 - (ii) Defendant's Experts: No later than 1 month before close of discovery
 - (iii) Supplemental under Rule 26(e): 10 days after Defendant's disclosure

- (c) **DEPOSITION OF EXPERTS:** Same as discovery deadline unless a later date is authorized by the Court due to special circumstances.

FILING DISPOSITIVE MOTIONS: 3 months before trial

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) For Plaintiff: 45 days before trial
- (b) For Defendant: 30 das before trial

Parties shall have ten (10) days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last _____ days and will be set for (select one: JURY TRIAL / NON - JURY TRIAL). The trial date, pretrial conference date, and pretrial order deadline will be determined by the presiding judge, and parties will be notified by setting letter of said deadlines.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing such motion is extended for good cause shown, or any objection to the default, response or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to the FRCP 12, 56, 59 and 60, shall be accompanied by a proposed order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the Court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling order dates set by this Order will not be modified or extended.

IT IS SO ORDERED.

S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: _____