

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

)	
)	
Plaintiff,)	
)	
vs.)	No. _____
)	
)	
Defendant.)	

MODEL SCHEDULING ORDER FOR COMPLEX CASES¹
 [This contemplates a Rule 16(b) scheduling conference
 to be held within 60 days of the filing of
 the complaint and trial within 16-18 months
 of the filing of the complaint.]

Pursuant to written notice, a scheduling conference was held
 on [date] [or the parties met and conferred and agree upon the
 matters set forth herein]. Present were _____, counsel for
 plaintiff, and _____, counsel for defendants. The
 following dates are established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1):
 14 days after the 26(f) conference. If not made before the
 Rule 16(b) conference, then 14 days after the Rule 16(b)
 conference. [insert date]

JOINING PARTIES: filed within 2 months after conference [insert
 _____]

¹Complex cases involve large number of parties, large number
 of claims and defenses, highly technical issues and proof, multiple
 experts, greater than normal amount of documents and evidence, or
 extended period of discovery.

date]

AMENDING PLEADINGS: filed within 2 months after conference [insert date]

MOTIONS TO DISMISS: filed within 3 months after conference [insert date]

COMPLETING ALL FACT DISCOVERY: filed within 10 to 12 months after conference [insert date]

(a) **DOCUMENT PRODUCTION & INTERROGATORIES:** (Same as discovery deadline or at intervals during the discovery period)

[insert date]

(b) **DISCOVERY DEPOSITIONS:** (Same as discovery deadline or at intervals during the discovery period) [insert date]

(c) **REQUESTS FOR ADMISSIONS:** (Same as discovery deadline or at intervals during the discovery period) [insert date]

EXPERT WITNESS DISCLOSURES (Rule 26(A)(2)):

(a) **DISCLOSURE OF PLAINTIFF'S (OR PARTY WITH BURDEN OF PROOF) RULE 26(a)(2) EXPERT INFORMATION:** 2 months before close of discovery [insert date]

(b) **DISCLOSURE OF DEFENDANT'S (OR OPPOSING PARTY) RULE 26 EXPERT INFORMATION:** 1 month before close of discovery [insert date]

(c) **EXPERT WITNESS DEPOSITIONS:** by discovery deadline [insert date]

(d) **SUPPLEMENTATION UNDER RULE 26(e)(2):** _____ [insert date]

MOTION TO EXCLUDE EXPERTS UNDER F.R.E. 702/DAUBERT MOTIONS: within 1 month after close of discovery

FILING DISPOSITIVE MOTIONS: within 1 month of close of discovery [insert date]

OTHER RELEVANT MATTERS:

As required by Local Rule 26.1(e), the parties have conferred as to whether they will seek discovery of electronically stored information ("e-discovery") and [have agreed that e-discovery is not appropriate in this case and therefore they will not seek e-discovery] / [have reached an agreement regarding e-discovery and hereby submit the parties' e-discovery plan for the court's approval] / [have not reached an agreement regarding e-discovery and will comply with the default standards described in Local Rule 26.1(e) until such time, if ever, the parties reach an agreement and the court approves the parties' e-discovery plan].

[Pursuant to agreement of the parties, if privileged or protected information is inadvertently produced, the producing party may, by timely notice, assert the privilege or protection and obtain the return of the materials without waiver.]

No depositions may be scheduled to occur after the discovery deadline. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery deadline to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the 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 of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for [jury/non-jury] trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. The parties anticipate the trial will last approximately _____ day(s).

The parties are ordered to engage in ADR before the close of discovery. Pursuant to Local Rule 16.2(d), within 7 days of completion of ADR, the parties shall file a notice confirming that the ADR was conducted and indicating whether it was successful or unsuccessful, without disclosing the parties' respective positions at the ADR.

Pursuant to Local Rule 7.2(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order in a word processing format sent to

the ECF mailbox of the presiding judge.

Pursuant to Local Rule 7.2(a)(1)(B), the parties are required to consult prior to filing any motion (except motions filed pursuant to Fed. R. Civ. P. 12, 56, 59, and 60).

The opposing party must file a response to any opposed motion. Pursuant to Local Rule 7.2(a)(2), a party's failure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.

Neither party may file an additional reply to any motion, other than a motion filed pursuant to Fed. R. Civ. P. 12(b) or 56. As provided by Local Rule 7.2(c), 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 within seven days of service of the response. Pursuant to Local Rules 12.1(c) and 56.1(c), a party moving for summary judgment or to dismiss may file a reply within 14 days after being served with the response in opposition to the motion.

The parties [do/do not] consent to trial before the magistrate judge.

Because of the complex nature of this case, a supplemental status conference will be scheduled by the presiding judge within six weeks, and as needed thereafter, to consider the need for a specialized case management plan.

This order has been entered after consultation with the parties. Absent good cause shown, the deadlines set by this order will not be modified or extended.

IT IS SO ORDERED.

DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE
DATE: _____