



MAGISTRATE JUDGE SIDNEY I. SCHENKIER

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INSTRUCTIONS FOR PLANNING CONFERENCE REPORT

1. Set Forth Caption of Case and Names of Parties.
2. Due Date of Report. Except in categories of actions exempted by district court rule or by order of the Court, the parties shall file a Planning Conference Report with the Court. The report is to be filed jointly; if the parties disagree on any issue, that disagreement should be noted in the joint report. The joint report shall be filed 14 days before a scheduling conference with the Court is held or a scheduling order is due under rule 16(b) of the Federal Rules of Civil Procedure, whichever is earlier. The joint report shall include the following information.
3. Conference and Names of Attorneys. Pursuant to Fed. R. Civ. P. 26(f), a conference was held on (date). Participants to the conference were (lead trial counsel for each side should be identified with an asterisk after his or her name):

(name) for plaintiff(s)	(party name)
(name) for defendant(s)	(party name)
4. Description of Claims.
 - (a) Plaintiff(s) shall set forth a brief description of the nature of the claims asserted in the complaint, including the basis of federal jurisdiction.
 - (b) Defendant(s) shall set forth a brief description of the nature of the defenses and any counterclaims affirmatively asserted.
5. Prospects of Settlement.
 - (a) Counsel are to discuss settlement at the conference, and to report on the status of settlement discussions.

- (b) The parties are to report on the earliest date on which they would be prepared to attend a settlement conference (with clients) with the Court or other designated official, and what discovery – if any – they believe may be needed to meaningfully assess settlement.

6. Consideration of Issues Concerning Electronically Stored Information (“ESI”).

Experience teaches that unless conducted with careful planning and a spirit of cooperation, discovery of ESI can result in an unnecessarily high level of conflict, expense and delay in resolving cases on the merits. That is why the Court has endorsed The Sedona Conference® Cooperation Proclamation dated July 2008.

To further advance the goal of having parties conduct discovery of ESI in a cooperative and cost-effective manner, this Court has adopted the Principles of the 7th Circuit Electronic Discovery Pilot Program. In a patent case, the Court will apply the Local Patent Rules for Electronically Stored Information.

At the Rule 26(f) planning conference, the parties shall address the ESI principles set forth by the 7th Circuit Electronic Discovery Pilot Program. In the report of the planning conference, the parties shall set forth:

- (a) Whether they anticipate discovery of ESI in the case.
- (b) What agreements they have reached regarding discovery of ESI.
- (c) What areas of disagreement they have with regard to discovery of ESI.

After reviewing the report of the planning conference and discussing the matter with the parties, the Court will determine whether the Model Order should apply in the case.

7. Pre-Discovery Disclosures:

- (a) Do the parties believe Rule 26(a)(1) disclosures should not apply? If so, briefly state the reasons why they should not.
- (b) The parties [have exchanged] [will exchange] by (date) the information required by [Fed. R. Civ. P. 26(a)(1)].

8. Discovery Plan. The parties jointly propose to the Court the following discovery plan: [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

- (a) Discovery will be needed on the following subjects: (brief descriptions of subjects on which discovery will be needed).
- (b) All non-expert fact discovery to be completed by (date). [Discovery on issue for early discovery to be completed by (date)].

- (c) Any proposed variations on the limits imposed by Rules 30 and 33 on deposition and/or interrogatory discovery.
- (d) Reports from retained experts under Rule 26(a)(2) due:
from plaintiff(s) by (date)
from defendant(s) by (date)
- (e) All retained expert depositions to be completed by (date).

9. Pretrial/Trial Plan.

- (a) Final Pretrial Order (in the form required by Local Rule 16.1(a) or by the Standing Order of the presiding trial judge) should be done by (date).
- (b) The case should be ready for trial by (date) [and at this time is expected to take approximately (length of time)].

10. Magistrate Judge Consent. All parties are (willing/not willing) to execute a consent to have all proceedings, including trial and entry of final judgment, to take place before a magistrate judge.

11. Other Matters. The parties shall indicate any other matters that they believe should be brought to the Court's attention for scheduling purposes.

The Court shall review the discovery plan and advise the parties of its approval or any modifications ordered. The Court shall also schedule court appearances as appropriate, including pretrial conferences. Court appearances require the presence of lead counsel or other counsel with sufficient knowledge of the case in order to discuss it intelligently.

Date: _____

/signed by all counsel