

INITIAL OR REASSIGNMENT STATUS REPORT - MODEL TEMPLATE
(FOR BOTH MIDP AND NON-MIDP CASES)

This case has been assigned to the calendar of Judge John Robert Blakey. If the parties have not already done so, they are directed to meet pursuant to Federal Rule of Civil Procedure 26(f) and conduct a planning conference. Thereafter, as directed by the Court in its minute order setting the initial (or reassignment) status conference, the parties shall jointly prepare and timely file a status report, containing the following information noted below. If this case constitutes a pending matter reassigned from another judge, then parties shall note that fact in the status report and update this Court on the parties' current progress regarding each item below.

1. **Type of Initial Status Report (i.e., Joint or Individual).** The Court expects the parties to file a joint status report on behalf of all parties. If you are filing an individual report, or filing a joint report on behalf of fewer than all parties, explain why.
2. **Service of Process.** If Plaintiff has failed to complete service of process on all defendants, then counsel must describe the efforts to perfect service to date, and provide an estimate for completion of service consistent with Federal Rule of Civil Procedure 4.
3. **The Nature of the Case**
 - a. Identify the attorneys of record for each party, and note the lead trial attorney for each party, any local counsel, and the relevant bar membership(s) of each counsel, including status of any membership in the trial bar of the Northern District of Illinois (Local Rule 83.11).
 - b. State the basis for federal jurisdiction and, if based upon a requisite threshold amount in controversy, state whether the parties agree that the amount in controversy exceeds that threshold, and include a concise explanation of how the evidence supports that statement, and if based upon diversity, then state the domicile of all parties. Note: if any party is a partnership or a limited liability company and the basis of jurisdiction is diversity, counsel must identify the name and domicile(s) of each and every partner of each such entity. *See Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d 691, 692-93 (7th Cir. 2003) (explaining that, for purposes of diversity jurisdiction, partnerships and limited liability companies are citizens of every state of which any member is a citizen).

- c. Describe the nature of the claims asserted in the complaint and any counterclaims or affirmative defenses.
- d. State the major legal and factual issues anticipated in the case.
- e. Describe the type and calculation of damages, and any other relief sought by the plaintiff(s).

4. **Pending Motions and Case Plan**

- a. Identify all pending motions.
- b. For all cases subject to the “Mandatory Initial Discovery Pilot” (MIDP) Project, all parties and counsel must certify compliance with the MIDP Standing Order, which is available on the Court’s homepage:
<http://www.ilnd.uscourts.gov/assets/documents/MIDP%20Standing%20Order.pdf>.
- c. Counsel for all parties must also submit an updated proposal for traditional discovery and a case management plan, including the following information:
 - (1) The general type of traditional discovery needed, including any potential electronic discovery or bifurcated discovery;
 - (2) A date for Rule 26(a)(1) disclosures;
 - (3) A date to issue written discovery;
 - (4) The need for, and content of, any proposed confidentiality orders, in accordance with the Local Rules for the Northern District of Illinois (parties should start with the model confidentiality order, file a motion seeking entry of the order and send a redlined version and a clean Word version to proposed_order_blakey@ilnd.uscourts.gov);
 - (5) The need for, and content of, any Health Insurance Portability and Accountability Act (HIPAA) waivers;
 - (6) A fact discovery completion date;

(7) Whether there will be expert discovery, and, if so, an expert discovery completion date (including proposed deadlines for expert disclosures and depositions);

(8) A proposed date for the filing of dispositive motions (if any); and

(9) A tentative trial date.

d. With respect to trial, indicate whether a jury trial is requested and the probable length of trial.

5. **Consent to Proceed Before a Magistrate Judge**

Confirm that the parties have discussed the advantages of a Magistrate Judge referral, and indicate whether the parties have unanimously consented to proceed before the assigned Magistrate Judge. Every case has an assigned Magistrate Judge, and in civil cases the parties may consent to have the assigned Magistrate Judge preside over the entire case including trial. In many cases, consent to refer the entire case to the Magistrate Judge may offer significant efficiencies and greater certainty in scheduling a trial. All counsel in civil cases must inform their clients of this option and discuss it with opposing counsel. Should the parties elect to do so, they should notify Judge Blakey's Courtroom Deputy at (312) 818-6699, and the case will be reassigned upon receipt of the signed consent form.

6. **Status of Settlement Discussions**

a. Describe the status of settlement discussions; and

b. Indicate whether the parties request a settlement conference. Note: all cases will normally be referred for a settlement conference at the close of fact discovery, if not requested sooner by the parties.

5. **MIDP Checklist**

For all cases subject to the MIDP Project, counsel are directed to review and comply with the attached MIDP checklist, include any required information within the initial status report, and further certify that they have made all requisite entries in the CM/ECF system. All counsel shall come to the initial status conference prepared to discuss each item on the checklist.

MANDATORY INITIAL DISCOVERY PILOT PROJECT CHECKLIST

Applicability of the MIDP Project Standing Order:

THIS ONLY APPLIES TO CASES FILED ON OR AFTER JUNE 1, 2017. If you filed your case on or after June 1, 2017, please ask these questions. If you answer “yes” to any of these questions, your case is not subject to the Pilot or the MIDP Standing Order.

- Is the proceeding exempt from initial disclosure under Rule 26(a)(1)(B)?
- Is this a patent case?
- Is this an action under the Private Securities Litigation Reform Act?
- Was the case transferred for consolidation by the MDL panel?

Rule 26(f) Conference:

- The parties must discuss the mandatory initial discovery responses and seek to resolve any disagreements on the scope of their responses.
- The parties should include a description of their discussions, including resolved and unresolved disagreements or other discovery issues, in their Rule 26(f) report to the Court.
 - Parties must file the Rule 26(f) report in the CM/ECF system using the *Rule 26(f) Report re MIDP* event under the “Other Documents” category.

Responsive Pleadings [answer/counterclaim/crossclaim/reply]:

- Must be filed within the time set in Rule 12(a)(1)(A), (B), and (C).
 - *Exception: The Court may defer the responsive pleading deadline for good cause if a party files a motion to dismiss based on lack of subject-matter jurisdiction, lack of personal jurisdiction, sovereign immunity, or absolute immunity or qualified immunity of a public official.*

Initial Discovery Responses:

- **Party seeking affirmative relief:** must serve its initial discovery responses and file a notice of service with the Court within 30 days

- after first responsive pleading filed in response to its complaint, counterclaim, crossclaim, or third-party complaint.
- Parties must file the notice of service in the CM/ECF system using the *Notice of Service of Mandatory Initial Discovery* event under the “Notices” category.
- **Party filing a responsive pleading:** must serve its initial discovery responses and file a notice of service with the Court within 30 days after it files its responsive pleading.
 - Parties must file the notice of service in the CM/ECF system using the *Notice of Service of Mandatory Initial Discovery* event under the “Notices” category.
 - *Exceptions:*
 - *No discovery responses required if the Court approves a written stipulation by the parties that no discovery will be conducted in the case.*
 - *Deadline for serving initial discovery responses may be deferred once for 30 days if the parties jointly certify to the Court that they are seeking to settle the case and have a good faith belief that it will be resolved within 30 days of the due date for their responses, or 30 days after the date set by Rule 12(a)(4) if the Court does not set a pleading deadline.*
 - *If the Court deferred the responsive pleading deadline based on the filing of one of the qualifying motions to dismiss, initial discovery responses are due 30 days after the responsive pleading deadline set by the Court upon entry of its order deciding the motion.*
 - Initial responses and later supplements will not be filed with the Court on the date they are served, but a notice of service must be filed with the Court.
 - Parties must file the notice of service for initial responses in the CM/ECF system using the *Notice of Service of Response to Mandatory Initial Discovery* event under the “Notices” category.
 - Parties must file the notice of service for supplements in the CM/ECF system using the *Notice of Service of Supplemental Mandatory Initial Discovery Responses* event under the “Notices” category.
 - *Exception: Parties must file initial responses and later supplements with their 26(f) report or discovery-dispute filings if there is an*

unresolved dispute regarding the responses or supplements that the Court must resolve.

- Responses must be signed by the party, under oath, and by counsel under Rule 26(g).
 - Limitations to scope of initial response asserted by the parties:
 - If based on a claim of privilege or work product, the party must produce a privilege log under Rule 26(b)(5).
 - *Exception: No privilege log required if the parties agree or the Court orders otherwise.*
 - If based on any other objection, the party's response must explain with particularity the nature of the objection and provide a fair description of the information withheld.
- **Electronically Stored Information (ESI):**
- If the existence of ESI is disclosed or discovered, the parties must confer and address the issues listed in ¶ (C)(2)(a)(i)-(iii) of the MIDP Standing Order.
 - The party must produce its ESI within 40 days after serving its initial response (unless modified by the court).
 - ESI must be produced in the form requested by the receiving party, or if no form is specified, in any reasonable form that will enable the receiving party to access, search, and display the ESI.
- **Rule 16 Conference and Case Management Order:**
- Rule 16 conference should be held within the time specified in Rule 16(b)(2) (as soon as possible but not later than the *earlier* of 90 days after any party has been *served* or 60 days after *appearance* by any party).
- **Supplementation:**
- Must be served in a timely manner, and no later than 30 days after the information is discovered or revealed.
 - Parties have a continuing duty to supplement.
 - Final Supplementation: Court deadline.
 - If no court deadline, final supplementation is due 60 days before the final pretrial conference.

- If no court deadline and no final pretrial conference, final supplementation is due 90 days before trial.