Rule 16b Scheduling Order



PROPOSED SCHEDULING ORDER

1. Pre-Discovery Conference and Disclosures

- A. The parties advise the Court that they **have** / **have not** (circle one) had a conference pursuant to Rule 26(f). The parties affirm their understanding of the requirements under Rule 26(f) including the requirement to discuss any discovery issues about electronically stored information (ESI) that may pertain to this case.
- B. The parties advise the Court that initial disclosures **have / have not** (circle one) been made pursuant to Rule 26(a)(1). If they have not been made all disclosures required by Rule 26(a)(1) shall be made on or before ______.

2. Discovery

The following time limits and deadlines shall be applicable:

- A. Any amendments to pleadings or actions to join other parties shall be filed on or before ______. (It is recommended that any joinder or amendments be made early in the discovery process so as to avoid the need to prolong discovery as to new parties or new issues.)
- B. All written discovery shall be propounded no later than 45 days before the close of fact discovery, unless the requesting party has obtained prior leave of court.
- C. The cutoff of fact discovery is _____.
- D. Any party with the burden of proof shall disclose its expert testimony pursuant to Rule 26(a)(2) on or before _____.
- E. The parties may depose the other side's expert disclosed pursuant to Rule 26(a)(2) at any time prior to _____.
- F. The parties shall disclose any rebuttal expert at any time prior to ______.
- G. The parties shall have until _______ to depose the opposing party's rebuttal expert.

3. <u>Prospects of Settlement</u>

- A. Counsel are to discuss settlement at the scheduling 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 and what discovery, if any, they believe may be needed to meaningfully assess settlement.

[Sections 4 through 6 to be filled out only if the parties have consented to have the case tried before Judge Valdez]

4. <u>Motions</u>

- A. Any dispositive motions to be filed on or before ______. (Ordinarily this date will be 30 days following the close of fact discovery.)
- B. Any *Daubert* motions to be filed on or before ______. (Ordinarily this date will be 30 days following the close of expert discovery.)

5. <u>Final Pretrial Order and Conference</u> A. The final pretrial order shall be filed on or before ______. B. The final pretrial conference will be held on ______ at _____.m. 6. <u>Trial</u>

The case will be ready for trial by ______ and is expected to take ______ trial days.

ENTERED:

Dated: _____

HON. MARIA VALDEZ United States Magistrate Judge