

Appendix F.2.
(Revised 12/11)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____

Plaintiff(s)

v.

Defendant(s).

SCHEDULING ORDER IN AN ERISA ACTION

**1. DATE OF CONFERENCE
AND APPEARANCES OF COUNSEL AND PRO SE PARTIES**

[Provide the date of the conference and the names, addresses, and telephone numbers of counsel for each party and each pro se party. Identify by name the party represented by each counsel.]

2. STATEMENT OF JURISDICTION

[Provide a concise statement of the basis for subject matter jurisdiction with appropriate statutory citations. If jurisdiction is denied, give the specific reason for the denial.]

3. STATEMENT OF CLAIMS AND DEFENSES

a. *Plaintiff(s):*

b. Defendant(s):

[Provide concise statements of all claims or defenses. Each party, in light of formal or informal discovery undertaken thus far, should take special care to eliminate frivolous claims or defenses. Fed. R. Civ. P. 16(c)(1), 11. Do not summarize the pleadings. Statements such as "defendant denies the material allegations of the complaint" are not acceptable.]

4. COMPUTATION OF DAMAGES

[Include a computation of all categories of damages sought and the basis and theory for calculating damages. See Fed. R. Civ. P. 26(a)(1)(C). This should include the claims of all parties. It should also include a description of the economic damages, non-economic damages, and physical impairment claimed, if any.]

5. CONSENT

[Pursuant to D.C.COLO.LCivR 72.2, all full-time magistrate judges in the District of Colorado are specially designated under 28 U.S.C. § 636(c)(1) to conduct any or all proceedings in any jury or nonjury civil matter and to order the entry of judgment. Upon consent of the parties and an order of reference from the district judge, the magistrate judge assigned the case under 28 U.S.C. § 636(a) and (b) will conduct all proceedings related to the case.]

[Indicate below the parties consent choice. Parties consenting to the exercise of jurisdiction by a magistrate judge must complete and file the court-approved Consent to the Exercise of Jurisdiction by a United States Magistrate Judge form.]

All parties *[have or have not]* consented to the exercise of jurisdiction of a magistrate judge.

6. CASE PLAN AND SCHEDULE

[In non-FOIA cases, the parties should provide a brief statement indicating whether they agree upon the administrative record and the applicable standard review. If there is a disagreement on the applicable standard of review, each party shall concisely set forth the bases for their position.]

- a. Deadline for submission of the Administrative Record or Index pursuant to *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973):
- b. Deadline for filing any Motion Requesting Discovery:

[A party moving for discovery must set forth in their motion the factual and legal bases for the requested discovery, and must append to their motion proposed interrogatories and/or requests for production . A party requesting depositions should also provide a list of proposed deponents and a brief summary of the information to be sought from each deponent.]

- c. Deadline for Filing a Motion to Supplement the Administrative Record

[A party moving to supplement the administrative record must set forth in their motion the factual and legal bases for the requested relief and must identify the documents, materials or facts they wish to incorporate in the administrative record.]

- d. Deadline for filing Plaintiff's Opening Brief:
- e. Deadline for filing Defendant's Response Brief:
- f. Deadline for filing Plaintiff's Reply Brief:

[The parties must file, contemporaneously with the filing of Plaintiff's Reply Brief, a "Joint Motion for Determination" which will serve as notice to the court that briefing has been completed.]

7. CONFERENCES

[The parties must certify here that, as required by Fed. R. Civ. P. 26(f), they have discussed the possibilities for a prompt settlement or resolution of the case by alternate dispute resolution. They must also report the result of any such meeting, and any similar future meeting, to the magistrate judge within 14 days of the meeting.]

[The magistrate judge will complete this section at the scheduling conference if he or she has not already set deadlines by an order filed before the conference.]

- a. An early neutral evaluation will be held on _____ at _____ o'clock __.m.
 - () *Pro se* parties and attorneys only need be present.
 - () *Pro se* parties, attorneys, and client representatives must be present.
 - () Each party shall submit a Confidential Statement to the magistrate judge on or before _____ outlining the facts and issues, as well as the strengths and weaknesses of their case.
- b. Status conferences will held in this case at the following dates and times:

8. OTHER MATTERS

[The following paragraphs shall be included in the scheduling order:]

In addition to filing an appropriate notice with the clerk's office, counsel must file a copy of any motion for withdrawal, motion for substitution of counsel, or notice of change of counsel's address or telephone number with the clerk of the magistrate judge assigned to this case.

Counsel will be expected to be familiar and to comply with the Pretrial and Trial Procedures established by the judicial officer presiding over the trial of this case.

In addition to filing an appropriate notice with the clerk's office, a *pro se* party must file a copy of a notice of change of his or her address or telephone number with the clerk of the magistrate judge assigned to this case.

The parties filing motions for extension of time or continuances must comply with D.C.COLO.LCivR 6.1D. by submitting proof that a copy of the motion has been served upon the moving attorney's client, all attorneys of record, and all *pro se* parties.

DATED this _____ day of _____ 20_____.

BY THE COURT:

United States Magistrate Judge

APPROVED:

(Name)
(Address)
(Telephone Number)
Attorney for Plaintiff (or Plaintiff, *Pro Se*)

(Name)
(Address)
(Telephone Number)
Attorney for Defendant (or Defendant,
Pro Se)

[Please affix counsels' and any pro se party's signatures before submission of the final pretrial order to the court.]