

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

WENDI J. LEE,

Plaintiff,

v.

Case No.: 8:10-cv-02904-SDM-TBM

PMSI, INC.,

Defendant.

CASE MANAGEMENT REPORT

1. Meeting of Parties:

Pursuant to Local Rule 3.05(c)(2)(B) or (c)(3)(A), a meeting was held on January 17, 2011 at 10:00 a.m. (time) (check one) () by telephone (or) () at _____ (place) and was attended by:

Name

Counsel for (if applicable)

Scott K. Hewitt, Esq.

Wendi J. Lee

Luis A. Cabassa, Esq.

PMSI, Inc.

2. Fed. R. Civ. P. 26(a)(1), as amended, effective December 1, 2000, Pre-Discovery Initial Disclosures:

The parties: _____ have exchanged agree to exchange information described in Fed. R. Civ. P. 26(a)(1) on or before March 1, 2011.

3. Discovery Plan – plaintiff(s): The parties jointly propose the following Plaintiff's discovery plan:

a. Every discovery effort Plaintiff plan to pursue is described below. The description of each discovery effort will be listed under the appropriate heading below and will include the subject matter of the discovery and the time during which the discovery will be pursued:

(1) Requests for Admission: Plaintiff may utilize Requests for Admissions as provided for in the Federal Rules of Civil Procedure and this Court's Case Management and Scheduling Order.

Number of Requests for Admission: Parties may seek to limit the number of Plaintiff's requests for admission in accordance with Fed. R. Civ. P. 26(b)(2). Any such request must be made in paragraph 6 below and approved by the court.

(2) Written Interrogatories: Plaintiff may utilize written Interrogatories as provided for in the Federal Rules of Civil Procedure and this Court's Case Management and Scheduling Order.

Number of Interrogatories: Local Rule 3.03(a) provides "[u]nless otherwise permitted by the Court for cause shown, no party shall serve upon any other party, at one time or cumulatively, more than twenty-five (25) written interrogatories pursuant to Rule 33, Fed.R.Civ.P., including all parts and subparts." Any request by Plaintiff to exceed this limit must be made in paragraph 6 below and approved by the court.

(3) Requests for Production or Inspection: Plaintiff may utilize Requests for Production or Inspection as provided for in the Federal Rules of Civil Procedure and this Court's Case Management and Scheduling Order.

(4) Oral Depositions: Plaintiff may utilize oral depositions as provided for in the Federal Rules of Civil Procedure and this Court's Case Management and Scheduling Order.

Number of Depositions: Local Rule 3.02(b) provides, "[i]n accordance with Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A), no more than ten depositions per side may be taken in any case unless otherwise ordered by the Court." Any request by Plaintiff to exceed this limit must be made in paragraph 6 below and approved by the court.

Time Permitted for Each Deposition: Each deposition is limited to one day of seven hours in accordance with Fed. R. Civ. P. 30(d)(2) unless extended by agreement of the parties or order of Court.

b. **Disclosure of Expert Testimony:** Parties stipulate, in accordance with Fed. R. Civ. P. 26(a)(2)(C) that Plaintiff's Fed. R. Civ. P. 26(a)(2) disclose will be due as noted here

Disclosure due October 1, 2011.

c. **Supplementation of Disclosures and Responses:** Parties agree that Plaintiff's supplementation under Fed. R. Civ. P. 26(e) will be provided at the following times:

Supplemental information due as required by the Federal Rules of Civil Procedure and this Court's Local Rules.

d. **Completion of Discovery:** Plaintiff will commence all discovery in time for it to be completed on or before **December 31, 2011.**

4. **Discovery Plan - Defendant:** The parties jointly propose the following Defendant's discovery plan:

a. **Defendant's Planned Discovery:** Every discovery effort Defendant plans to pursue is described below. The description of each discovery effort will be listed under the appropriate heading below and will include the subject matter of the discovery and the time during which the discovery will be pursued:

(1) **Requests for Admission:** **Defendant will utilize Requests for Admissions as provided for in the Federal Rules of Civil Procedure and this Court's Case Management and Scheduling Order.**

Number of Requests for Admission: Parties may seek to limit the number of Defendant's requests for admission in accordance with Fed. R. Civ. P. 26(b)(2). Any such request must be made in paragraph 6 below and approved by the court.

(2) **Written Interrogatories:** **Defendant will utilize written Interrogatories as provided for in the Federal Rules of Civil Procedure and this Court's Case Management and Scheduling Order.**

Number of Interrogatories: Local Rule 3.03(a) provides "[u]nless otherwise permitted by the Court for cause shown, no party shall serve upon any other party, at one time or cumulatively, more than twenty-five (25) written interrogatories pursuant to Rule 33, Fed.R.Civ.P., including all parts and subparts." Any request by Defendant to exceed this limit must be made in paragraph 6 below and approved by the court.

(3) **Requests for Production or Inspection:** **Defendant will utilize Requests for Production or Inspection as provided for in the Federal Rules of Civil Procedure and this Court's Case Management and Scheduling Order.**

(4) **Oral Depositions:** **Defendant will utilize oral depositions as provided for in the Federal Rules of Civil Procedure and this Court's Case Management and Scheduling Order.**

Number of Depositions: Local Rule 3.02(b) provides, "[i]n accordance with Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A), no more than ten depositions per side may be taken in any case unless otherwise ordered by the Court." Any request by Defendant to exceed this limit must be made in paragraph 6 below and approved by the court.

Time Permitted for Each Deposition: Each deposition is limited to one day of seven hours in accordance with Fed. R. Civ. P. 30(d)(2) unless extended by agreement of the parties or order of Court.

b. **Disclosure of Expert Testimony**: Parties stipulate, in accordance with Fed. R. Civ. P. 26(a)(2)(C), that Defendant's Fed. R. Civ. P. 26(a)(2) disclosure will be due as noted here:

Disclosure due November 1, 2011.

c. **Supplementation of Disclosures and Responses**: Parties agree that Defendant's supplementation under Fed. R. Civ. P. 26(e) will be provided at the following times:

Supplemental information due as required by the Federal Rules of Civil Procedure and this Court's Local Rules.

d. **Completion of Discovery**: Defendant will commence all discovery in time for it to be completed on or before **December 31, 2011**.

5. **Joint Discovery Plan - Other Matters**: Parties agree on the following other matters relating to discovery (*e.g.*, handling of confidential information, assertion of privileges, whether discovery should be conducted in phases or be limited to or focused upon particular issues):

Parties will confer if issues arise before seeking court intervention.

6. **Disagreement or Unresolved Issues Concerning Discovery Matters**: Any disagreement or unresolved issue will not excuse the establishment of discovery completion dates. The parties are unable to agree as to the following issues concerning discovery:

None at this time.

7. **Third Party Claims, Joinder of Parties, Potentially Dispositive Motions**: Parties agree that the final date for filing motions for leave to file third party claims, motions to join parties should be **June 1, 2011**; and that the final date for filing all potentially dispositive motions (for summary judgment) should be **February 1, 2012**.

a. **Settlement**: The parties agree that settlement is:

likely unlikely.

Parties agree to consent to binding arbitration pursuant to Local Rules 8.02(a)(3) and 8.05(b).

yes no likely to agree in future.

b. **Mediation**: This case is referred to Court-Annexed Mediation pursuant to Rule 9, Local Rules, M.D. Fla. Mediation must be conducted by a Certified Mediator. A list of Certified Mediators is available on the Middle District of Florida website. The parties are granted an opportunity to select a Certified Mediator from the approved list and to decide where the mediation should be held. The Parties should also state the deadline for conducting the

mediation conference. If the parties are unable to agree, they must notify the Court and the Court will appoint a Certified Mediator and set a deadline for the mediation conference.

Certified Mediator: The parties will file a mediation notice by or before March 1, 2011.

Deadline for Mediation: November 1, 2011.

Location of Mediation: TBD

9. Parties agree to consent to trial presided over by United States Magistrate Judge:

yes no likely to agree in future

10. Preliminary Pretrial Conference: If designated a Track Three Cases: Local Rule 3.05(c)(3)(B) provides that a preliminary pretrial conference is mandatory and the court will sua sponte schedule and notice such conference.

Track Two Cases: Parties

request (check one)

do not request

a preliminary pretrial conference before entry of a Case Management and Scheduling Order in this Track Two case. Unresolved issues to be addressed at such a conference include:

11. Final Pretrial Conference and Trial: Parties agree that they will be ready for a final pretrial conference on or after April 1, 2012 (date) and for trial on or after May 1, 2012 (date). This Jury Non-Jury trial is expected to take approximately 5 days.

12. Pretrial Disclosures and Final Pretrial Procedures: Parties acknowledge that they are aware of and will comply with pretrial disclosures requirements in Fed. R. Civ. P. 26(a)(3) and final pretrial procedures requirements in Local Rule 3.06.

13. Other Matters:

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