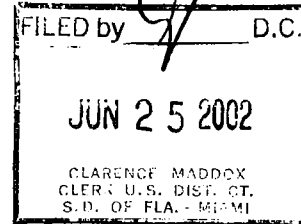


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
CASE NO. 02-60815-CIV-SEITZ

LUIS A. DEVOTO et al.,  
Plaintiff,

v.

AT & T CORPORATION, et al.,  
Defendant.



**ORDER REQUIRING COUNSEL TO MEET  
AND FILE JOINT SCHEDULING REPORT**

THIS MATTER came before the Court upon the filing of the Complaint. The Court has reviewed the Complaint. To efficiently, expeditiously, and economically resolve this dispute, it is

ORDERED:

1. Plaintiff shall forward a copy of this Order to all defendants, upon notice of appearance of defense counsel.

2. Discovery in this case shall be conducted in accord with the Federal Rules of Civil Procedure and Southern District of Florida Local Rules (effective April 15, 2002), except that the deadlines under Local Rules 16.1.D., E., H., J., K., and L., may be modified by further order of the Court.

3. Within **forty-five (45) days** of the appearance of the a defendant, counsel shall file a Joint Scheduling Report and Joint Proposed Scheduling Order pursuant to Local Rule 16.1B.2m, with a complete service list containing the name, address, phone number, **fax number** and party represented of each counsel.

4. Counsel for the parties shall meet in person for a scheduling conference at least within **twenty-one (21) days** prior to the date the above Joint Proposed Scheduling Order is due. At this

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conference, the parties **shall** accomplish the following: (1) determine the appropriate case management track for the action; (2) exchange documents and witness lists in compliance with Local Rules 16.1.D; (3) develop a case management plan which sets deadlines in compliance with the following paragraphs A, B, and C of this Order; and (4) discuss settlement, in good faith, after reviewing the opposing parties' disclosed documents and witness lists in compliance with Local Rule 16.1.B.5.

A. The Joint Scheduling Report shall include all information required by the eleven subsections, (a) through (k), of Local Rule 16.1.B.2. **IN ADDITION TO THE INFORMATION REQUIRED BY THAT RULE, THE REPORT SHALL INCLUDE THE FOLLOWING:** (1) whether the trial will be jury or non-jury; (2) an outline of the legal elements of each claim and defense raised by the pleadings (the parties are advised that this section shall not be a summary of allegations, but should be modeled on pattern substantive jury instructions applicable in this Court); (3) a good faith estimate of the specific dollar valuation of actual damages and other relief at issue; and (4) the need for variance from the discovery limitations imposed by Local Rule and/or the Federal Rules of Civil Procedure, including the grounds supporting the requested variance. In total, the Joint Scheduling Report shall have 15 numerical sections containing the above required information [eleven to comply with the Local rule, and four to comply with the additional requirements of this Order]. **Unilateral submissions are prohibited.**

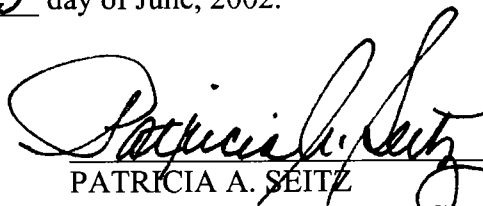
B. As an attachment to the parties' Joint Scheduling Report, and in Compliance with Local Rule 16.1.B.2, the parties shall jointly complete ***Attachment A*** to this Order. The parties shall insert the specific day, month and year for each listed deadline which applies to the parties' case management plan. In completing ***Attachment A***, the parties shall take into consideration the suggested pretrial deadlines set out in ***Attachment B*** to this Order. If the parties agree that one or

more of the proposed deadlines (such as “expert witness deadlines”) is not appropriate for this action, they may strike the language and omit that proposed deadline in *Attachment A*. The parties’ proposed dates **shall** include: (1) **at least fifteen (15) weeks** between the deadline for all pretrial dispositive motions and the proposed trial date; (2) **at least five (5) weeks** between the deadline for the pretrial stipulation and the proposed trial date.

C. As part of the Joint Scheduling Report, the parties shall jointly complete and file with the Court the Magistrate Judge jurisdiction election form appended to this Order as *Attachment C*. The Court will not accept unilateral submissions in this regard; thus, a “Yes” should be checked only if all parties agree. If the parties consent to a full disposition of the case by the Magistrate Judge, including trial and entry of final judgment, the parties shall jointly file the election form appended to this Order as *Attachment D*.

5. The foregoing information will aid the Court in its management of this case, including the expeditious resolution of any discovery disputes, and help the parties focus on the key issues of the case at an early stage in the proceedings. Accordingly, **failure of counsel to file a joint scheduling report shall result in dismissal, default, and the imposition of other sanctions, including attorney’s fees and costs.**

**ORDERED** in Miami, Florida, this 25<sup>th</sup> day of June, 2002.

  
PATRICIA A. SEITZ  
UNITED STATES DISTRICT JUDGE

cc:  
Steven Grover, Esq.  
1 E. Broward Blvd., Suite 700  
Ft. Lauderdale, FL 33301  
Tel. 954-356-0005/Fax. 954-356-0010

Since the initiation of this Court’s FAXBACK program, the parties are no longer required to submit envelopes with their motions & proposed orders. Orders should include a full service list.

**Pretrial Deadlines, Pretrial Conference and Trial Date**

**1. Mandatory Deadlines for Class Actions ONLY:**

\_\_\_\_\_, \_\_\_\_\_ Initial discovery, addressing only the issue of class certification, shall be completed. If Plaintiff intends to utilize the opt-in class mechanism provided in 29U.S.C. Section 216(b), Motion to Authorize the Issuance of Opt-In Notices must be filed by this date.

\_\_\_\_\_, \_\_\_\_\_ Motion for class certification must be filed by this date.

**2. Suggested Deadlines for All Actions:**

\_\_\_\_\_, \_\_\_\_\_ Joinder of parties and amendment of pleadings.

\_\_\_\_\_, \_\_\_\_\_ Parties shall furnish opposing counsel with a written list containing the names and addresses of all fact witnesses intended to be called at trial and only those witnesses listed shall be permitted to testify unless good cause is shown and there is no prejudice to opposing party. The parties are under a continuing obligation to supplement discovery responses within ten (10) days of receipt or other notice of new or revised information.

\_\_\_\_\_, \_\_\_\_\_ All fact discovery must be completed.

\_\_\_\_\_, \_\_\_\_\_ Plaintiff must furnish expert witness list to the Defendant, along with the summaries/reports required by Local Rule 16.1.K, and only those expert witnesses shall be permitted to testify. Within the fourteen day period thereafter, Plaintiff shall make its experts available for deposition by Defendant.

\_\_\_\_\_, \_\_\_\_\_ Defendant must furnish expert witness list to the Plaintiff along with the summaries/reports required by Local Rule 16.1.K, and only those expert witnesses shall be permitted to testify. Within the fourteen day period thereafter, Defendant shall make its experts available for deposition by Plaintiff.

\_\_\_\_\_, \_\_\_\_\_ All expert discovery must be completed. If a Daubert or Markman hearing may be necessary, the parties are to add that as an additional deadline at the bottom of Attachment A.

\_\_\_\_\_, \_\_\_\_\_ All dispositive pretrial motions and memoranda of law must be filed. A **minimum of fifteen (15) weeks** is required for the Court to review dispositive motions prior to filing of the joint pretrial stipulation. **If no dispositive motions will be filed, clearly note this fact in the Joint Scheduling Report.**

\_\_\_\_\_, \_\_\_\_\_ (a) Joint pretrial stipulation must be filed pursuant to Local Rule 16.1.E. The pretrial stipulation shall include Plaintiff's non-binding breakdown of damages with corresponding amounts; the witness lists shall be pared down to those witnesses the parties actually intend to call at trial; and the exhibit lists shall identify the witness introducing each exhibit. **The parties shall meet at least one (1) month prior to the deadline for filing the pretrial stipulation to confer on the preparation of that stipulation.** The Court will not accept unilateral pretrial stipulations, and will strike, *sua sponte*, any such submissions; **and**

\_\_\_\_\_, \_\_\_\_\_ (b) A joint statement outlining (1) the legal elements of Plaintiff's claims, including damages, and (2) the legal elements of the defenses raised, either in the form of a proposed jury instruction (for jury cases) or proposed conclusions of law (for non-jury cases); **and**

\_\_\_\_\_, \_\_\_\_\_ (c) Joint Summary of Respective Motions in Limine must be filed. The Summary shall contain a cover page providing the style of the case and an index of the motions in limine. The Summary shall also include for each evidentiary issue: (i) a one (1) page motion identifying the evidence sought to be precluded at trial and citing legal authority supporting exclusion; and (ii) a one (1) page response to the motion providing a statement of the purpose for which the challenged evidence would be offered and citing legal authority in support of admission of the challenged evidence. The parties shall work together to prepare the Summary. Prior to submission of the Summary, the parties are encouraged to resolve evidentiary issues through stipulation.

\_\_\_\_\_, \_\_\_\_\_ Mediation must be completed. (The parties should select the earliest date to maximize resolution of the case in a manner that promotes client and judicial economy.)

\_\_\_\_\_, \_\_\_\_\_ Final proposed jury instructions or findings of fact and conclusions of law must be submitted. ( *A courtesy coshall be hand-delivered to Chambers on 3.5 diskette, WordPerfect format.*), each party's list indicating each witness who will testify at trial, a one sentence synopsis of the testimony, and in consultation with opposing counsel, indicate the amount of time needed for direct and cross examination.

\_\_\_\_\_, \_\_\_\_\_ Pretrial conference. Usually 30 minutes are allotted for pretrial conference unless the parties or the Court, *sua sponte*, indicate a greater time is needed.

\_\_\_\_\_, \_\_\_\_\_ Trial Date.

\_\_\_\_\_, \_\_\_\_\_ Date of any other deadline the parties adopt as part of their case management plan.

## SUGGESTED PRETRIAL DEADLINES

### 1. Class Action Certification.

60 days after serving the complaint      Initial discovery, addressing only the issue of class certification, shall be completed. If Plaintiff intends to utilize the opt-in class mechanism provided in 29 U.S.C. Section 216(b), a Motion to Authorize the Issuance of Opt-In Notices must be filed by this date.

90 days after service of complaint on defendant      Motion for class certification must be filed by this date.

### 2. General Pretrial Deadlines.

31 weeks prior to pretrial stip      Joinder of parties and amendment of pleadings.

21 weeks prior to pretrial stip      Parties shall furnish opposing counsel with a written list containing the names and addresses of all fact witnesses intended to be called at trial and only those witnesses listed shall be permitted to testify.

17 weeks prior to pretrial stip      All fact discovery must be completed.

16 weeks prior to pretrial stip      Plaintiff must furnish expert witness list to the Defendant, along with the summaries/reports required by Local Rule 16.1.K, and only those expert witnesses shall be permitted to testify. Within the fourteen day period thereafter, Plaintiff shall make its experts available for deposition by Defendant.

15 weeks prior to pretrial stip      All dispositive pretrial motions and memoranda of law must be filed. Please consider that a **minimum of fifteen (15) weeks** is required for the Court to review dispositive motions prior to filing of the joint pretrial stipulation. If the parties do not plan to file dispositive motions, please note this fact in the Joint Scheduling Report.

14 weeks prior to pretrial stip      Defendant must furnish expert witness list to the Plaintiff along with the summaries/reports required by Local Rule 16.1K, and only those expert witnesses shall be permitted to testify. Within the fourteen day period thereafter, Defendant shall make its experts available for deposition by Plaintiff.

12 weeks prior to pretrial stip      All expert discovery must be completed. If a Daubert or Markman hearing may be necessary, the parties are to add that as an additional deadline at the bottom of attachment A.

10 weeks prior to pretrial stip      Mediation must be completed. (The parties should select the earliest date to maximize resolution of the case in a manner that promotes client and judicial economy.)

5 weeks prior to the Friday before trial period      (a) Joint pretrial stipulation must be filed pursuant to Local Rule 16.1.E. The pretrial stipulation shall include Plaintiff's non-binding breakdown of damages with corresponding amounts. The parties shall meet at least one (1) month prior to the deadline for filing the pretrial stipulation to confer on the preparation of that stipulation. The Court will not accept unilateral pretrial stipulations, and will strike, *sua sponte*, any such submissions; **and**

(b) A joint statement outlining (1) the legal elements of Plaintiff's claims, including damages, and (2) the legal elements of the defenses raised, either in the form of a proposed jury instruction (for jury cases) or proposed conclusions of law (for non-jury cases); **and**

(c) Joint Summary of Respective Motions in Limine must be filed. The Summary shall contain a cover page providing the style of the case and an index of the motions in limine. The Summary shall also include for each evidentiary issue: (i) a one (1) page statement identifying the evidence sought to be precluded at trial with facts and legal authority supporting exclusion; and (ii) a one (1) page response stating the purpose of the challenged evidence with facts and legal authority in support of admission of the challenged evidence. The parties shall work together to prepare the Summary. Prior to submission of the Summary, the parties are encouraged to resolve evidentiary issues through stipulation.

4 weeks prior to the trial date      Pretrial Conference. Usually 30 minutes are allotted for a pretrial conference unless the parties or the Court, *sua sponte*, indicate a greater time is needed.

Friday before Calendar Call      Final proposed jury instructions or findings of fact and conclusions of law must be submitted. (*A courtesy copy shall be hand-delivered to Chambers on 3.5 diskette, WordPerfect format*). The parties shall also submit proposed voir dire and each party's witness list indicating who will testify at trial, a one sentence synopsis of the witness's testimony, and in consultation with opposing counsel, an indication of the amount of time needed for direct and cross examination.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 02-60815-CIV-SEITZ

LUIS A. DEVOTO et al.,

Plaintiff,

v.

AT & T CORPORATION, et al.,

Defendant.

**ELECTION TO JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE FOR FINAL  
DISPOSITION OF MOTIONS**

In accordance with the provisions of 28 U.S.C. 636(c), the undersigned parties to the above-captioned civil matter hereby jointly and voluntarily elect to have a United States Magistrate Judge decide the following motions and issue a final order or judgment with respect thereto:

- |    |                              |           |          |
|----|------------------------------|-----------|----------|
| 1. | Motions for Costs            | Yes _____ | No _____ |
| 2. | Motions for Attorney's Fees  | Yes _____ | No _____ |
| 3. | Motions for Sanctions        | Yes _____ | No _____ |
| 4. | Motions to Dismiss           | Yes _____ | No _____ |
| 5. | Motions for Summary Judgment | Yes _____ | No _____ |
| 6. | Other (specify) _____        |           |          |

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Plaintiff's Counsel)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Plaintiff's Counsel)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Defendant's Counsel)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Defendant's Counsel)

[Attachment C]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 02-60815-CIV-SEITZ

LUIS A. DEVOTO et al.,

Plaintiff,

v.

AT & T CORPORATION, et al.,

Defendant.

\_\_\_\_\_ /

**ELECTION TO JURISDICTION BY A UNITED STATES  
MAGISTRATE JUDGE FOR TRIAL**

In accordance with the provisions of 28 U.S.C. 636(c), the undersigned parties to the above-captioned civil matter hereby jointly and voluntarily elect to have a United States Magistrate Judge conduct any and all further proceedings in the case, including TRIAL, and entry of final judgment with respect thereto.

\_\_\_\_\_  
(Date)                      (Signature-Plaintiff's Counsel)

\_\_\_\_\_  
(Date)                      (Signature-Plaintiff's Counsel)

\_\_\_\_\_  
(Date)                      (Signature-Defendant's Counsel)

\_\_\_\_\_  
(Date)                      (Signature-Defendant's Counsel)