AUCUSTA DIV.	
IN THE UNITED STATES DISTRICT COURT 2015 DEC 23 PM 1:34	
FOR THE SOUTHERN DISTRICT OF GEORGIA	5
CLERK CADOL SD. DIST. OF GA.	
CV115-204	

FILED

RULE 26 INSTRUCTION ORDER

Federal Rule of Civil Procedure 26(f) requires the parties to confer, develop a proposed discovery plan, and submit a report to this Court. Subsequent to the filing of the report, a Scheduling Order must be entered pursuant to Fed. R. Civ. P. 16(b). Therefore, by the <u>earlier</u> of **twenty-one (21) days** after the filing of the last answer of the defendants named in the original complaint or **forty-five (45) days** after the first appearance by answer or motion under Fed. R. Civ. P. 12 of a defendant named in the original complaint, the parties <u>shall confer</u> as provided in Federal Rule 26(f). <u>See</u> L.R. 26.1(a).¹ Thereafter, within **fourteen (14) days** after the required conference held pursuant to Rule 26(f), the parties <u>shall submit</u> to the Court a written report conforming to the language and format of the Rule 26(f) Report attached to this Order outlining their discovery plan. <u>See</u> L.R. 26.1(b).

Except in unusually protracted or complex cases, the parties will be expected to adhere to the following deadlines and limitations:

- The parties shall serve <u>all written discovery</u> on opposing parties and shall complete all depositions within **140 days** of the filing of the last answer of the defendants named in the original complaint. <u>See L.R.</u> 26.1(d)(i).
- 2. The plaintiff must furnish the <u>expert witness reports</u> required by Federal Rule 26(a)(2) within **60 days** after the Rule 26(f) conference. <u>See L.R. 26.1(d)(ii).</u>

¹ The Local Rules may be found on the Court's website at www.gasd.uscourts.gov.

- The defendant must furnish the <u>expert witness reports</u> required by Federal Rule 26(a)(2) within 90 days after the Rule 26(f) conference (or 60 days after the answer, whichever is later). <u>See L.R.</u> 26.1(d)(iii).
- 4. The last day for <u>filing motions to add or join parties or amend the</u> <u>pleadings</u> is **60 days** after the first answer of the defendants named in the original complaint. <u>See</u> L.R. 16.3.
- 5. The last day for <u>filing all other motions</u>, excluding motions in limine, is **30 days** after the close of discovery. <u>See L.R. 7.4</u>.

Plaintiff's counsel, or, if applicable, the pro se plaintiff, shall ensure that a copy of this Order

is served upon all parties. Finally, a party who cannot gain the cooperation of the other party

in preparing the Rule 26(f) Report should advise the Court prior to the due date of the report

of the other party's failure to cooperate.

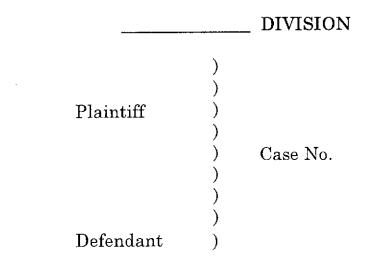
SO ORDERED.

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BRIAN K. EPPS UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF GEORGIA



RULE 26(f) REPORT

1. Date of Rule 26(f) conference:

v.

- 2. Parties or counsel who participated in conference:
- 3. If any defendant has yet to be served, please identify the defendant and state when service is expected.
- 4. Date the Rule 26(a)(1) disclosures were made or will be made:
- 5. If any party objects to making the initial disclosures required by Rule 26(a)(1) or proposes changes to the timing or form of those disclosures,
 - (a) Identify the party or parties making the objection or proposal:
 - (b) Specify the objection or proposal:

6.		Local Rules provide a 140-day period for discovery. If any y is requesting additional time for discovery,
	(a)	Identify the party or parties requesting additional time:
	(b)	State the number of months the parties are requesting for discovery:
mont	\mathbf{hs}	
	(c)	Identify the reason(s) for requesting additional time for discovery:
		Unusually large number of parties
		Unusually large number of claims or defenses
		Unusually large number of witnesses
		Exceptionally complex factual issues
		Need for discovery outside the United States
		Other:
	(d)	Please provide a brief statement in support of each of the reasons identified above:

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	ny party is requesting that discoves or conducted in phases, please	
(a)	Identify the party or parties re	questing such limits:
(b)	State the nature of any propose	ed limits:
	Local Rules provide, and the Co owing deadlines:	urt generally imposes, the
	t day for filing motions to add oin parties or amend pleadings	60 days after issue is joined
Last day to furnish expert with report by plaintiff		60 days after Rule26(f) conference
	t day to furnish expert witness ort by a defendant	90 days after Rule 26(f) conference (or 60 days after the answer, whichever is later)

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Last day to file motions

30 days after close of discovery

If any party requests a modification of any of these deadlines,

(a) Identify the party or parties requesting the modification:

(b) State which deadline should be modified and the reason supporting the request:

9. If the case involves electronic discovery,

- (a) State whether the parties have reached an agreement regarding the preservation, disclosure, or discovery of electronically stored information, and if the parties prefer to have their agreement memoralized in the scheduling order, briefly describe the terms of their agreement:
- (b) Identify any issues regarding electronically stored information as to which the parties have been unable to reach an agreement:

- 10. If the case is known to involve claims of privilege or protection of trial preparation material,
 - (a) State whether the parties have reached an agreement regarding the procedures for asserting claims of privilege or protection after production of either electronic or other discovery material:
 - (b) Briefly describe the terms of any agreement the parties wish to have memoralized in the scheduling order (or attach any separate proposed order which the parties are requesting the Court to enter addressing such matters):

(c) Identify any issues regarding claims of privilege or protection as to which the parties have been unable to reach an agreement:

- 11. State any other matters the Court should include in its scheduling order:
- 12. The parties certify by their signatures below that they have discussed the nature and basis of their claims and defenses and

the possibilities for prompt settlement or resolution of the case. Please state any specific problems that have created a hindrance to the settlement of the case:

This ______, 20 .

J

Signed: _____

Attorney for Plaintiff

Attorney for Defendant