

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

2016 JAN -8 PM 4:13

CLERK C Adams
SO. DIST. OF GA.

CASE NO. CV 116-003

RULE 26 INSTRUCTION ORDER FOR REMOVAL CASES

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, within **twenty-one (21) days** of the date of filing of the notice of removal or within **21 days** of the date of filing of the last answer of the defendants, whichever is later, but in no event later than **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 shall confer as provided in Rule 26(f). See L.R. 26.1(e).¹ Thereafter, within **fourteen (14) days** after the required conference held pursuant to Rule 26(f), the parties shall submit 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. See 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:

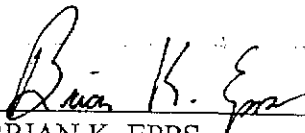
1. The parties shall serve all written discovery on opposing parties and shall complete all depositions within **140 days** of the filing of the last answer of the defendants named in the original complaint. See L.R. 26.1(d)(1).

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

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

Defendant's counsel 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.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE

6. The Local Rules provide a 140-day period for discovery. If any party 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:

months

(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:

7. If any party is requesting that discovery be limited to particular issues or conducted in phases, please

(a) Identify the party or parties requesting such limits:

(b) State the nature of any proposed limits:

8. The Local Rules provide, and the Court generally imposes, the following deadlines:

Last day for filing motions to add or join parties or amend pleadings	60 days after issue is joined
Last day to furnish expert witness report by plaintiff	60 days after Rule 26(f) conference
Last day to furnish expert witness report by a defendant	90 days after Rule 26(f) conference (or 60 days after the answer, whichever is later)

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 memorialized 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 memorialized 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 _____ day of _____, 20 .

Signed: _____
Attorney for Plaintiff

Attorney for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

_____))
Plaintiff,))
vs.) Case No. _____)
_____))
Defendant.))

CERTIFICATE OF COUNSEL
REFILED OR RELATED CASES

Pursuant to the Local Rules of this Court, I hereby certify that this is a refiled case which involves substantially the same issues or parties as in the case of _____, plaintiff vs. _____, defendant, Civil Action No. _____, or that this case relates to property included in, involves the same issues appearing in, or grows out of the same transaction involved in a case already pending in _____ Court, captioned _____, plaintiff, vs. _____ defendant, Civil Action No. _____.

This _____ day of _____, 2015.

Attorney of party

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

	:	
	:	
Plaintiff,	:	
	:	
	:	Case No.
	:	
	:	
	:	
Defendant.	:	

**NOTICE OF ALTERNATIVE DISPUTE RESOLUTION
and
CASE MANAGEMENT PROCEDURES**

(LITIGANTS' BILL OF RIGHTS)

S.D. Ga. LR 16.7

Litigants in this Court may wish to utilize procedures that are available to assist the speedy and efficient resolution of civil cases. This notice **must** be furnished by plaintiff's counsel to his client and served with the complaint upon all defendants. Counsel for each party represented shall ensure that the notice is filled out, signed by the party, and returned to the Clerk's office (1) by counsel for the plaintiff within 15 days of filing the complaint, and (2) by counsel for the defendant with the answer or other responsive pleading.

Notice to Parties and Counsel

1. If all parties in a case elect to do so, a civil case in this Court can be referred to non-binding mediation. The purpose of such is to assist the parties in understanding the strengths and weaknesses of their respective positions and to facilitate settlement.

Do you wish to use such a procedure and for your lawyer to meet with opposing counsel and a Judge of this Court to establish a mediation plan for this case?

(answer yes or no)

2. If the parties in a case elect to do so, a civil case in this Court can be referred to binding or non-binding arbitration. In some instances, arbitration may be quicker, cheaper, and less formal than litigation. Its outcome can be binding or purely advisory, depending on the parties' agreement. The parties can also agree to *tailor the rules of procedure*.

Do you wish to consider such a procedure and for your lawyer to meet with opposing counsel and a Judge of this Court to establish an arbitration plan for this case?

(answer yes or no)

3. If all parties in a case consent and the Court concurs, the right to proceed before a United States District Judge may be waived, and the case can be presided over by a United States Magistrate Judge.

Would you like to **consider** use of a Magistrate Judge and receive more information on this alternative?

(answer yes or no)

4. After the complaint and answer are filed in a case, the rules of this Court normally allow four (4) months for the completion of discovery. If discovery continues for a longer period of time, it will be because the attorneys have requested an extension of time from the Court.

5. If justified by the complexity or difficulty of a case, the Court will consider the entry of a special case management order. After hearing from the parties, this order would supersede the Local Rules and provide new dates for the different aspects of discovery, amendments to the pleadings, the filing of motions, conferences with the Court, and preparation for the ultimate pretrial order and trial of the case.

The lawyers for all of the parties are encouraged to consult concerning the need for such a case management order.

6. At the completion of discovery and before trial, each party will be required to participate in the filing of a pretrial order. In most cases, there will also be a pretrial conference with the presiding Judge. At the conference, the Court will inquire about the prospects for

settlement of the case. Normally the Court will require the client to be present in person or by telephone.

By Order of the Court.

Clerk of Court

I have reviewed with my attorney the above notice and have indicated my desired responses to paragraphs 1, 2, and 3.

This _____ day of _____, 20__.

Name and signature of party or Representative

Certificate of Counsel

I have furnished a copy of this notice to the party represented by me (including any insurance company assisting with the cost of defense) and discussed with my client responses to paragraphs 1, 2, and 3 which have been noted. I have also served opposing counsel with a copy of this completed notice.

This _____ day of _____, 20__.

Attorney for _____

NOTE: If there is unanimity among the parties that the case should be referred to mediation, arbitration, or a Magistrate Judge, counsel for the plaintiff shall so notify the Clerk, who will then inform the presiding District Judge of the parties' interest in one or more of these procedures.

UNITED STATES DISTRICT COURT
for the
Southern District of Georgia

Plaintiff
v.
Defendant
Civil Action No.

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Table with 3 columns: Parties' printed names, Signatures of parties or attorneys, Dates. Includes four rows of blank lines for entry.

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date:

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.