

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

PENNY BENTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:10-cv-00918-LJM-DML
	)	
FISHERS LIBRARY,	)	
	)	
Defendant.	)	

**Order Setting Initial Pretrial Conference**

This case is assigned for an initial pretrial conference before United States Magistrate Judge Debra McVicker Lynch on **September 28, 2010, at 3:30 p.m. (Eastern)**, in Room 272, Birch Bayh Federal Building and United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. The parties shall tender a proposed Case Management Plan ("CMP") no less than **seven days** prior to the pretrial conference. The CMP shall be in the format set forth in the model CMP found on the Court's website ([www.insd.uscourts.gov](http://www.insd.uscourts.gov)), shall comply with S.D.Ind.L.R. 16.1(d), and shall address discovery issues as required by Fed. R. Civ. P. 26(f).

As it appears that Plaintiff is proceeding without counsel, or *pro se*, at this point, the parties are directed to the "Special Instructions for Pro Se Parties" contained in the "Instructions for Preparing a Case Management Plan," found on the Court's website ([www.insd.uscourts.gov/ProSe](http://www.insd.uscourts.gov/ProSe)) under "Forms & Publications" ÷ "Forms" ÷ "Uniform Case Management Plans" (click on either PDF or MS-Word for instructions and form). Any pro se party may contact the Court's pro se office at 317-229-3950 for additional instructions on completing the Case Management Plan. **Parties who are not represented by counsel shall attend the initial pretrial conference in person.**

Represented parties shall attend the initial pretrial conference by counsel. Counsel shall appear in person unless they obtain leave to appear at the pretrial conference by telephone. Leave to appear by telephone will be freely granted to counsel outside the Indianapolis Division; such counsel may request to participate by telephone by calling the undersigned's staff at 317-229-3630. Counsel within the Indianapolis Division are expected to appear in person. Represented parties may attend themselves at their option.

Counsel who attend the conference must have their appearance on file, and must be familiar with and prepared to discuss the facts and legal issues in the case, as well as the scope of damages. Counsel and pro se parties should expect to be asked specific questions concerning the case, and should be prepared to set forth all known facts that support any issue, claim, or defense, including any claim for or defense to damages.

Pursuant to S.D.Ind.L.R. 16.1(h), parties and counsel should also be prepared to fully discuss settlement at the initial pretrial conference (as well as any subsequent conference). Plaintiff shall appear at the pretrial conference prepared to make a settlement demand if no demand has yet been made. Defendant's counsel shall appear at the pretrial conference prepared to make an offer to any outstanding demand. If no demand has been made, Defendant's counsel shall be prepared to discuss the general parameters of relief responsive to any demand made at the pretrial conference.

If the parties anticipate seeking a protective order to protect the confidentiality of trade secrets or other confidential information, they shall carefully review the Seventh Circuit's decisions in *Baxter International v. Abbott Laboratories*, 297 F.3d 544 (7<sup>th</sup> Cir. 2002), *Union Oil Company of California v. Leavell*, 220 F.3d 562 (7<sup>th</sup> Cir. 2000), *Citizens First National Bank of Princeton v. Cincinnati Insurance Co.*, 178 F.3d 943 (7<sup>th</sup> Cir. 1999), and related cases. Failure to

conform any proposed protective order to the limitations and requirements of these decisions may result in the Court denying the proposed order.

Pursuant to Local Rule 5.6, all documents filed by counsel in this matter shall be filed electronically, unless expressly exempted by local rule or an Order of the Court. (Pro se litigants may not file documents electronically.) Accordingly, counsel shall register with the Clerk's office for electronic filing. Counsel need only register one time in the Southern District; it is not necessary to register in every case in which counsel is involved. Information on electronic filing can be found by visiting the Court's website and going to the page entitled *Electronic Case Filing*. For assistance or training in the use of electronic filing, please contact Amy McClellan at (317) 229-3701 or amy\_mcclellan@insd.uscourts.gov.

So ORDERED.

Date: 08/20/2010



Debra McVicker Lynch  
United States Magistrate Judge  
Southern District of Indiana

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