

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JASON J. SCHULTZ,
Plaintiff,

v.

MICHAEL MARKS, FRANK J.
COUSINS, SEAN WALDRON, ESSEX
COUNTY SHERIFF'S OFFICE,
Defendants.

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) C.A. No. 12-10340-MLW
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ORDER

WOLF, D.J.

February 2, 2014


Defendants have filed a Motion for Clarification of Court's Memorandum and Order Dated March 13, 2013. In that Memorandum and Order, the court: denied plaintiff's motion for appointment of counsel; allowed plaintiff's motion to amend the complaint; denied without prejudice plaintiff's Petition for Writ of Habeas Corpus Ad Testificandum; denied two other motions as moot; and issued a scheduling order, which ordered defendants to respond to the amended complaint by April 19, 2013. See Mar. 13, 2013 Memo. & Order at 7; Mar. 13, 2013 Scheduling Order at 1.

In the Motion for Clarification, defendants ask whether the Amended Complaint attached to the Motion to Amend, both of which are Docket No. 21, should be deemed filed. This should have been evident as the court ordered a response to the Amended Complaint be filed by April 19, 2013. However, the court hereby confirms that the Amended Complaint which is part of Docket No. 21 is the operative complaint. In addition, as defendants note, the March

13, 2013 Order, in paragraph 5, erroneously states that the Motion to Amend being allowed was Docket No. 17 rather than Docket No. 21.

In view of the foregoing, it is hereby ORDERED that:

1. Plaintiff's Motion to Amend (Docket No. 21) is ALLOWED.
2. The parties shall comply with the attached Scheduling Order.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Jason J. Schultz

Plaintiff(s)

v.

CIVIL ACTION

NO. 12-10340

Sheriff Frank G. Cousins, Jr., et al.

Defendant(s)

SCHEDULING ORDER

WOLF, D.J.

This case is governed procedurally by the 1992 Amendments to the Local Rules of the United States District Court for the District of Massachusetts (the "Local Rules"), which implement the District's Civil Justice Expense and Delay Reduction Plan. Counsel must, therefore, comply with the relevant Local Rules in the litigation of this case.

It is hereby ORDERED pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16(f) that:

1. Defendants shall respond to the Amended Complaint by 2/24/2014.

2. Any proposed party who has not yet been served shall be served by N/A. Counsel shall within 14 days thereafter file a return of service or a statement that service has not been accomplished and that the claims against the previously named proposed party shall be dismissed without prejudice.

3. Any Motion to Amend the pleadings, or any Motion to File additional pleadings, shall be filed by N/A, and responses shall be filed as required by the applicable provisions of the Federal Rules of Civil Procedure.

4. The parties shall by 3/21/2014 make the automatic document disclosure required by Federal Rules of Civil Procedure 26(a)(1) and Local Rule 26.2(A) and, if applicable, disclose the information required by Local Rule 35.1

5. The parties shall by 3/21/2014 make the disclosure authorized by Federal Rules of Civil Procedure 26(a)(1) and Local Rule 26.1(b)(1) and (2).

[] 6. All dispositive motions except motions for summary judgment shall be filed by N/A and responses shall be filed fourteen days thereafter pursuant to Local Rule 7.1.

[] 7. Discovery shall initially be limited to the issue(s) of N/A, and shall be complete by N/A.

[x] 8. The parties shall meet at least once to explore the possibility of settlement and report to the court by 6/30/2014 the status and prospects for settlement.

If the case is not settled, the parties shall report whether they wish to participate in mediation to be conducted by a magistrate judge or attorney on the Court's panel of mediators.

[] 9. A settlement conference, which must be attended by trial counsel with full settlement authority or with their clients, shall be held on N/A, at _____.

[] 10. A status and case management conference will be held by Magistrate Judge N/A on a date to be scheduled by him in _____.

[x] 11. Plaintiff(s) and/or Counterclaim or Third Party Plaintiff(s) shall by 9/31/2014 designate experts and disclose the information described in Fed. R. Civ. P. 26(a)(2), concerning each expert. Each other party shall by 11/20/2014 designate expert(s) and disclose the information described in Fed. R. Civ. P. 26(a)(2).

[x] 12. All discovery shall be complete by 1/31/2015.

[x] 13. Counsel for the parties shall confer and, by 2/23/2015, file a report as to the prospects for settlement and whether either party feels there is a proper basis for filing a motion for summary judgment.

[x] 14. A scheduling conference will be held on 3/6/2015 at 3:00 p.m and must be attended by trial counsel with full settlement authority or with their client(s). If appropriate, a schedule for filing motions for summary judgment will be established at this conference.

[] 15. A final pretrial conference will be held on N/A at _____ and must be attended by trial counsel with full settlement authority or with their client. Counsel shall be prepared to commence trial as of the date of the final pretrial

conference.

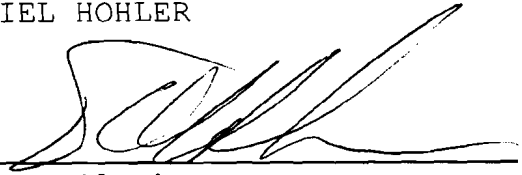
[] 16. Trial shall commence on N/A .

[] 17. This case is hereby referred to Magistrate Judge N/A for all pretrial proceedings, including reports and recommendations concerning any dispositive motions.

All provisions and deadlines contained in this Order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the Court or upon the request of counsel.

By the Court,
DANIEL HOHLER



Deputy Clerk

2/3/2014

Date