

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Sage Therapeutics, Inc.

v.

CIVIL ACTION NO. 17-11089

Sage Naturals, Inc.

NOTICE OF INITIAL CASE MANAGEMENT ORDER

STEARNS, D.J.:

Consistent with Fed. R. Civ. P. 26(f) and L.R. 16.1, the parties are **ORDERED to engage in initial case management as follows.**

A. Meet and Confer. The parties are to meet and confer no later than 10/20/2017, to

(1) prepare a proposed pretrial schedule for the case that includes a plan for discovery, and

(2) consider whether they will consent to trial by a magistrate judge, or agree to mediation through the ADR program sponsored by the Court. If the parties consent to trial by a magistrate judge, they should so indicate in their joint statement under Paragraph B.

B. Joint Statement. The parties are to file, no later than 10/25/2017, a joint statement containing a proposed pretrial schedule, which shall include:

(1) A joint discovery plan scheduling the time and length for all discovery events that shall:

(a) conform to the obligation to limit discovery set forth in Fed. R. Civ. P. 26(b);

(b) take into account the desirability of conducting phased discovery in which the first phase is limited to developing information needed for a realistic assessment of the case and, if

the case does not settle, the second phase is directed to information needed to prepare for trial; and

(c) consider the need for a protective order in the case, and if such an order is necessary, set a time to submit a joint proposed order to the court.

(2) If appropriate, a proposed agreement governing the preservation and production of electronically stored information (ESI), including but not limited to, the extent and duration of the preservation obligation and the format in which relevant ESI will be produced (native, tagged image file format (TIFF), or portable document format (PDF)).

(3) A proposed schedule for the filing of motions.

(4) Certifications signed by counsel and an authorized representative of each party affirming that each party and that party's counsel have:

(a) conferred with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation;

(b) considered the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4; and

(c) complied with the requirements of Paragraph C *infra*.

(5) If the proposed plan for discovery extends beyond 270 days, a statement of any exceptional circumstances justifying an enlargement of the time the Court will ordinarily permit for discovery and, where appropriate, the filing of dispositive motions.

(6) In all patent cases, the parties are to consult the “Model Scheduling Order for Patent Cases” set out in LR 16.6.

To the extent that all parties are able to reach agreement on a proposed pretrial schedule, they shall so indicate. To the extent that the parties differ on the pretrial schedule, they shall set forth separately the items on which they differ and indicate the nature of the disagreement. One purpose of the parties' proposed pretrial schedule or schedules is to advise the judge of the

parties' best estimates of the amounts of time they will need to accomplish specified pretrial steps. **The parties should be aware that it is the court's practice not to grant enlargements of the prescribed pretrial schedule beyond the date mandated for trial or for the filing of dispositive motions.** The parties' proposed pretrial schedule or schedules will be considered by the Court as advisory only. If the parties believe that an early status conference with the court will aid in the efficient resolution of significant issues in the case, the parties may identify these issues and make such a request in their joint statement.

C. Settlement Proposal and Response. Plaintiff[s] shall present written settlement proposals to all defendants no later than 10/18/2017. Defense counsel shall have conferred with their clients on the subject of settlement and respond to plaintiff[s] within 7 days of the proposal.

Failure to comply with this Order may result in the imposition of sanctions including the dismissal of the Complaint.

SO ORDERED,

RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE

DATED: October 11, 2017

Revised 15 May 2017