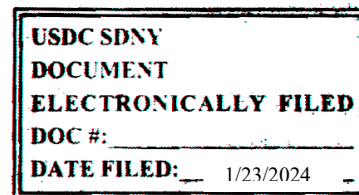


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Xinuos, Inc.,

7:22-cv-09777-CS-VR

Plaintiffs,

**ORDER RE STATUS CONFERENCE**

-against-

IBM,

Defendant.

-----X

**VICTORIA REZNIK, United States Magistrate Judge:**

A Status Conference (via telephone) is hereby scheduled for **February 27, 2024 at 11:30**

**am.** The parties are to dial in to the ATT conference line at 877-336-1839, enter access code 5999739, then # to enter the conference. At the Status Conference, the parties should be prepared

to discuss the following:

- (1) a brief summary of claims, defenses, and relevant issues;
- (2) the basis of subject matter jurisdiction;
- (3) the subjects on which discovery may be needed;
- (4) any anticipated discovery disputes or sought-after limitations on discovery;
- (5) any plans for electronic discovery and ESI protocols;
- (6) any plans for confidentiality orders and orders relating to Fed. R. Evid. 502(d);
- (7) any anticipated motions; and
- (8) the prospects and timing for early settlement or resolution.

**A blank case management plan is attached to this order. If the parties do not have a CMP in place, then they should meet and confer and file it before the conference.**

**SO ORDERED.**

DATED: White Plains, New York  
January 23, 2024

\_\_\_\_\_  
VICTORIA REZNIK  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

Plaintiff(s),

**CIVIL CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER**

v.

\_\_\_ Civ. \_\_\_\_\_ (VR)

Defendant(s).

-----x

This Civil Case Management Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure:

1. **Jury/Non-Jury.**

This case [is] [is not] to be tried to a jury (circle one).

2. **Amendment/Joinder.**

The parties may amend the pleadings or join additional parties before \_\_\_\_\_.

3. **Initial disclosures.**

Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by \_\_\_\_\_.

4. **Fact Discovery.**

The parties will conduct discovery in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York, and Judge Reznik's Individual Practices. The interim deadlines in paragraphs 4(b) through 4(e) may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 4(a).

a. **Fact Discovery Deadline.**

All fact discovery must be completed by \_\_\_\_\_.

b. **Requests for Production.**

Initial requests for production of documents must be served by \_\_\_\_\_.  
Any subsequent requests for production must be served no later than 45 days before the fact discovery deadline.

c. **Interrogatories.**

Interrogatories must be served by \_\_\_\_\_.  
Any subsequent interrogatories must be served no later than 45 days before the fact discovery deadline.

- d. **Fact Depositions.**  
Non-expert depositions must be completed by \_\_\_\_\_.  
Absent an agreement between the parties or an order from the Court, non-party depositions must follow initial party depositions.
  - e. **Requests to Admit.**  
Requests to admit must be served by \_\_\_\_\_, and in any event no later than 45 days before the fact discovery deadline.
5. **Settlement/ADR.**  
Within 14 days of the completion of fact discovery, counsel and any unrepresented parties must meet to discuss settlement. The parties must file a joint letter concerning settlement within 21 days of the completion of fact discovery. The letter must include a statement as to whether the parties propose using any of the following alternative dispute resolution mechanisms: (i) a settlement conference with the Court; (ii) participation in the Court's Mediation Program; and/or (iii) retention of a private mediator. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order absent express permission from the Court.
6. **Expert Discovery.**
- a. **Expert Discovery Deadline.**  
All expert discovery, including expert depositions, must be completed by \_\_\_\_\_.
  - b. **Plaintiff's Expert Reports.**  
Plaintiff's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure must be made by \_\_\_\_\_.
  - c. **Defendant's Expert Reports.**  
Defendant's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure must be made by \_\_\_\_\_.
  - d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).
7. **ALL DISCOVERY MUST BE COMPLETED BY \_\_\_\_\_.**  
(Absent exceptional circumstances, this date should align with the completion of all expert discovery in paragraph 6(a).)
8. **Summary Judgment Motions.**  
All motions and applications must be governed by the Court's Individual Practices. Within 14 days of the completion of all discovery, any party wishing to file a summary judgment motion shall file a pre-motion letter (not a letter-motion) no longer than three (3) single-spaced pages in length, setting forth the basis for the anticipated motion. The opposing party shall submit a letter response via ECF, no longer than three (3) single-spaced pages in length, *within five business days* after submission of the moving party's letter, unless the parties agree otherwise (and the Court is informed of the agreed response date by letter).

9. **Joint Pretrial Order.**

Unless otherwise ordered by the Court, the parties must submit a proposed Joint Pretrial Order for approval within 30 days after the date for the completion of all discovery, or, if a summary judgment motion has been filed, within 30 days after a decision on the motion. The proposed Joint Pretrial Order must be prepared in accordance with Judge Reznik's Individual Practices, and the parties must also comply with Judge Reznik's Individual Practices with respect to the filing of other required pretrial documents.

10. **Estimated length of trial.**

The parties have conferred and their present best estimate of the length of the trial is \_\_\_\_\_.

11. This Civil Case Management Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court (except as provided in paragraphs 4 and 6(d) above).

Dated:

\_\_\_\_\_  
White Plains, NY

**SO ORDERED.**

\_\_\_\_\_  
VICTORIA REZNIK  
United States Magistrate Judge