

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONALD JAMES ANSON, 12332-055,

Plaintiff,

v.

07-CV-0035A(Sr)

AMENDED CASE
MANAGEMENT ORDER

UNITED STATES OF AMERICA,

Defendant.

This Court's Case Management Order dated January 27, 2009 is hereby amended as follows:

1. All fact depositions shall be completed no later than **September 30, 2009.**

2. Plaintiff shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed.R.Civ.P. 26(a)(2)(B) by **October 30, 2009.** Defendant shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed.R.Civ.P. 26(a)(2)(B) by **November 30, 2009. Such disclosures shall be served on all counsel. See a/so Local Rule 26.**

3. All expert depositions shall be completed no later than **December 30, 2009.**

4. All discovery in this case shall be completed no later than **January 15, 2010**.

5. All applications to resolve discovery disputes shall be filed on or before **December 30, 2009**. In the event of bonafide discovery disputes that cannot be resolved by counsels' good faith efforts (*see generally* Local Rule 37), the parties shall submit, by joint letter, signed by all counsel, a statement of the issue(s) to be resolved by the Court. Each party, within five business days thereafter, shall submit by letter a statement of facts and law it wishes the Court to consider. Original letter shall be filed with the Clerk of the Court, and a courtesy copy shall be provided simultaneously to Chambers. The Court reserves the right to request full briefing by the parties, in which case the Court will so advise the parties.

6. Plaintiff shall submit a formal written settlement demand to defendants' counsel no later than **October 9, 2009**. Defendant's counsel shall respond to plaintiff in writing no later than **October 30, 2009**. An Intermediate Settlement Conference shall be held telephonically with the parties on **November 6, 2009 at 10:30 a.m.**, and the Court will place the call.

7. Dispositive motions by all parties shall be filed and served no later than **March 19, 2010**. *See generally* Local Rule 7.1(c); 56. Responding papers shall be filed and served no later than **April 30, 2010**. Reply papers, if any, shall be

filed and served no later than **May 14, 2010**. The motion shall be taken under advisement without oral argument.

8. Courtesy copies of all motion papers shall be provided to chambers simultaneously with their filing in the Office of the Court Clerk.

9. Modification or extension of the dates set forth in this scheduling order are strongly discouraged. Extensions will only be considered for meritorious reasons.

Modification or Extension of Other Dates in Scheduling Order: Dates prior to the discovery termination may be extended by agreement among counsel, so long as they do not require an extension of the overall discovery termination date. Counsel shall confirm such extensions in writing to the Magistrate Judge.

Extension of the Discovery Termination Date: This extension may only be sought by joint written application, signed by counsel for all parties, showing good and extraordinary cause for the extension requested. The applicants must also include a proposed new scheduling order in a form substantially similar to this order. The application should be made to the Magistrate Judge, unless the deadline has already passed.

10. Sanctions: All parties' attention is directed to Fed.R.Civ.P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court. The plaintiff is reminded that it is his/her responsibility to keep the Court informed of his/her current address.

SO ORDERED.

DATED: Buffalo, New York
July 17, 2009

s/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge