

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION**

EDWIN W. CRAIN, )  
Plaintiff, )  
vs. )  
FRANCES T. BUTLER, )  
Defendant. )  

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**Civil Action No. 7:18-cv-00003-FL**

**ORDER FOR LIMITED INITIAL DISCOVERY AND EXPEDITED  
ALTERNATIVE DISPUTE RESOLUTION**

Pursuant to the Court's April 9, 2018, Text Order, counsel for all parties conferred as requested, prior to holding their conference required by Fed.R.Civ.P. 26(f) and Local Rule 26.1(e)(2), and have agreed to the following plan for limited initial discovery and expedited Alternative Dispute Resolution:

1. Discovery Plan.
  - (a) Written Discovery may commence on May 1, 2018, and will be transmitted in time to be completed within 80 days of May 1, 2018, or by July 20, 2018. Parties responding to discovery requests shall be diligent with their responses, and will not seek extensions of time that fall past the 80-day deadline. Parties will attempt to resolve any discovery disputes that arise by attorney conference, and will file discovery Motions as a last resort only. Written Discovery requests and Responses may be sent solely by electronic mail if a party so desires.
  - (b) Maximum number of interrogatories by each party to another party, along with dates the answers are due: Twenty-five interrogatories per party, including subparts. Responses shall be due as provided by Fed.R.Civ.P. Rule 33 unless extended by agreement or order.
  - (c) Maximum number of requests for admission, along with dates responses are due: 25 requests for per party, including subparts. Responses shall be due as provided by Fed.R.Civ.P. Rule 36 unless extended by agreement or order.

(d) Each party may take up to ten (10) depositions of parties and/or witnesses, with arrangements for the depositions being made by agreement of the parties. Parties will attempt to resolve any deposition scheduling disputes that arise by attorney conference, and will seek the assistance of the Court as a last resort only. Parties will not Notice any Depositions without the other party's agreement and consent. All depositions shall be scheduled no sooner than May 1, 2018, and shall be completed within 80 days of May 1, 2018, or by July 20, 2018.

(e) Limits on the length of depositions, in hours: 7 hours

(f) All parties shall make initial disclosures within 14 days of the date of this Order, and may be sent solely by electronic mail if a party so desires.

2. Alternative Dispute Resolution: Mediation

The parties are to select a mediator within seven (7) days of the date of this Order. The Mediated Settlement Conference shall be held no later than August 10, 2018.

3. Rule 26(f) Conference

The parties have not yet held their conference required by Fed.R.Civ.P. 26(f) and Local Rule 26.1(e)(2). In the event this case is not fully resolved by settlement pursuant to the Mediated Settlement Conference, the parties are to hold said conference within 7 days thereafter, and submit a Rule 26(f) Report to the Court within 14 days after the Mediated Settlement Conference. The report shall include a notice to the Court that the matter has not settled.

4. Stay of deadlines for Rule 26(f) Conference and other case deadlines:

Consistent with the foregoing, all case activities are stayed pending the completion of the plan outlined above. All parties are therefore given an extension of time to complete their Rule 26(f) responsibilities and other case deadlines until after the Mediated Settlement Conference, as noted above. Also, as noted above, Initial Disclosures shall occur prior to the Rule 26(f) conference in this case, and shall not be required to be repeated in the event the case does not settle at Mediation.

5. This plan does not preempt further discovery or Alternative Dispute Resolution efforts in the event Mediation is unsuccessful.

In the event the Mediated Settlement Agreement does not resolve this case in full, the parties may propose, and the Court may Order, additional discovery, including but not limited to additional depositions, as well as additional Alternative Dispute Resolution efforts, as may be needed and considered prudent.

SUBMITTED by the parties, this the 13<sup>th</sup> day of April, 2018

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SO ORDERED, this the 16th day of April, 2018.



LOUISE W. FLANAGAN  
United States District Court Judge