

S A M P L E  
**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
DIVISION**

Rev 3/24/2008

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Caption of Case	)	Civil No. _____
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**SCHEDULING/DISCOVERY PLAN**

Pursuant to Rule 26(f), counsel for the parties certify that on \_\_\_\_\_, 200\_\_ they conferred in person or by telephone person [**conferences by e-mail or letter not permitted**] to discuss the nature and basis of their clients’ claims and defenses, the possibilities for a prompt settlement or resolution of the case, and a proposed discovery plan. After conferring, counsel for the parties have agreed upon the following [indicate any areas of disagreement and the position of each party as to the areas of disagreement]:

1. The parties have made (or shall make by \_\_\_\_ ) Rule 26(a)(1) disclosures as follows: (Include here a summary of the parties’ agreement on subject matter, timing and form of Rule 26(a)(1) disclosures, but do not submit the disclosures themselves to the court.)
2. The issues on which the parties need to conduct discovery are: (list discovery issues and any agreement/disagreement on approach to discovery)
3. The parties shall have until \_\_\_\_ to complete fact discovery and to file

discovery motions.

4. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows:  
  
(Treating physicians need not prepare reports, only qualifications, unless they will express opinions not reflected in the medical records.) (Reports to be served on other parties, but not filed with the court.)
5. The parties shall have until \_\_\_\_ to complete discovery depositions of expert witnesses.
6. The parties shall have until \_\_\_\_ to move to join additional parties.
7. The parties shall have until \_\_\_\_ to move to amend pleadings to add claims or defenses, except for claims for punitive damages for which the deadline shall be \_\_\_\_\_.
8. The parties shall have until \_\_\_\_ to file other nondispositive motions (e.g., consolidation, bifurcation).
9. The parties shall have until \_\_\_\_ to file threshold motions (e.g., jurisdiction, qualified immunity, statute of limitations). Discovery (shall/shall not) be stayed during the pendency of such motions.
10. The parties shall have until \_\_\_\_ to file other dispositive motions (summary judgment as to all or part of the case).
11. Each party shall serve no more than \_\_\_\_ interrogatories, including subparts. No broad contention interrogatories (i.e., "List all facts supporting your

claim that . . .") shall be used. (Show good cause for more than the 25 interrogatories allowed by Rule 33).

12. Each side shall take no more than \_\_\_ discovery depositions. (Show good cause for more than the 10 depositions allowed by Rule 30.)
13. Depositions taken for presentation at trial shall be completed \_\_\_ days before trial.
14. Counsel have discussed between themselves and explored with their clients early involvement in alternative dispute resolution. The following option(s) would be appropriate in this case:

\_\_\_\_\_ **arbitration**

\_\_\_\_\_ **mediation** (choose one):

\_\_\_\_\_ private mediator

\_\_\_\_\_ court-hosted early settlement conference-should the conference be held before a judge who will not be the trial judge?

\_\_\_\_\_ yes

\_\_\_\_\_ doesn't matter

\_\_\_\_\_ **early neutral evaluation** before (choose one):

\_\_\_\_\_ judge other than trial judge

\_\_\_\_\_ neutral technical expert

\_\_\_\_\_ neutral attorney

\_\_\_\_\_ other (specify)\_\_\_\_\_

\_\_\_\_\_ none (explain reasons) \_\_\_\_\_.

The parties shall be ready to evaluate the case for settlement purposes by \_\_\_\_\_ . (If an ADR option other than a court-hosted settlement conference is chosen, counsel shall designate one of themselves to report back to the magistrate judge that the ADR effort was completed and whether or not it was successful). The court reminds the parties that early involvement in ADR is voluntary, not mandatory. Participation in ADR is encouraged by the court but is not required except for a settlement conference shortly before trial.

15. A mid-discovery status conference (would/would not) be helpful in this case. An appropriate time for the conference would be (list month).
16. The parties (will/will not) voluntarily waive their rights to proceed before a district judge and consent to have a magistrate judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment.
17. Trial of this case will be (jury/nonjury).
18. The estimated length of trial is \_\_\_\_\_ days.

**\*\*(Attorney Signatures)\*\***