

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

CARL MOORE,

Plaintiff,

Case No. 3:23-cv-113

vs.

PEACH'S GRILL, INC.,

District Judge Michael J. Newman  
Magistrate Judge Peter B. Silvain, Jr.

Defendant.

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**ORDER: (1) DIRECTING THE PARTIES TO MEET AND CONFER; (2) DIRECTING THE PARTIES TO FILE THEIR JOINT FED. R. CIV. P. 26(f) REPORT ON OR BEFORE JUNE 16, 2023; AND (3) DIRECTING THE PARTIES TO MAKE INITIAL DISCLOSURES UNDER FED. R. CIV. P. 26(a)(1) ON OR BEFORE JUNE 9, 2023**

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Pursuant to Fed. R. Civ. P. 16 and Fed. R. Civ. P. 26(f), the parties are **ORDERED** to informally confer in good faith and prepare a report as required by Fed. R. Civ. P. 26(f).<sup>1</sup> The parties' Rule 26(f) report shall be filed with the Court on or before **June 16, 2023**.

Unless otherwise agreed to by the parties in their Rule 26(f) Report, initial disclosures must be made as required by Rule 26(a)(1). Rule 26(a)(1) initial disclosures must be served upon all parties in the case **by June 9, 2023** and should not be filed with the Court unless submitted in support of a motion.

The parties are **ADVISED** that failure to comply with any provision of this Order may result in appropriate sanctions including, but not limited to, dismissal of this action or the entry of a default judgment pursuant to Rule 16(f) and Rule 37(b)(2)(A).

After the parties file their Rule 26(f) report, the Court intends to put on a scheduling order. Subsequently, the Court will formally refer this matter to the United States Magistrate Judge during

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<sup>1</sup> A form Rule 26(f) Report of the Parties (applicable to the Western Division at Dayton) is accessible on the Court's website at <http://www.ohsd.uscourts.gov/ohio-southern-district-forms>.

the pendency of discovery.

**IT IS SO ORDERED.**

May 19, 2023

s/Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge