

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

<p>THERESA E. THORNTON, ET AL., Plaintiffs,</p>)	
)	
)	
v.)	Civil Action No. 10-1436
)	
CITY OF PITTSBURGH, ET AL.,)	
Defendants.)	

ORDER

AND NOW, this 28th day of October, 2010, IT IS HEREBY ORDERED that the parties shall comply with the following dates in the above-captioned matter:

1. Initial Rule 16 Scheduling Conference

Pursuant to Local Rule 16.1.1, an initial Rule 16 Scheduling Conference shall be held before the undersigned on Friday, December 17, 2010 at 2:30 p.m. in Suite 3250, 3rd floor, U.S. Courthouse. All counsel shall bring their calendars to the conference for scheduling purposes. The parties should be prepared to discuss settlement.

2. Rule 26(f) Conference

Pursuant to Rule 26(f) and notwithstanding the pendency of any outstanding motion, the parties **MUST** confer to consider the nature and basis of their claims and defenses, the possibilities for a prompt settlement or resolution of the case, the ADR Process, and to make arrangements for the disclosures required by

Rule 26(a) on or before November 18, 2010. Plaintiff shall initiate this conference. However, the court will hold both parties responsible for ensuring that this conference is held in a timely manner.

3. Rule 26(f) Report

The parties **MUST** confer as necessary and **MUST** file with the Clerk of Court a Rule 26(f) report on or about December 2, 2010. The Rule 26(f) Report **SHALL** comply, in form and content, with the "Federal Rule of Civil Procedure 26(f) Report of the Parties" that is available on the Court's website, www.pawd.uscourts.gov, where it can be downloaded and used as a word processing document. The parties may decide who will prepare and file the Rule 26(f) Report. However, the court will hold both parties responsible for ensuring that the Report is filed in the correct form and in a timely manner.

4. Selection of ADR Process

During the Rule 26(f) Conference, the parties MUST discuss the Alternate Dispute Resolution (ADR) Process. The parties **MUST** provide the Court with specific information regarding the ADR Process that they have selected in **BOTH** the Rule 26(f) Report and the Stipulation Selecting ADR Process.

Specifically, the Rule 26(f) Report must include (1) the specific ADR process that has been selected and (2) the time frame in which the ADR process will be completed. The Stipulation must include (1) the specific ADR process that has been selected, (2) how the parties have agreed to share the cost of ADR, (3) the name of the individual who will conduct the ADR, (4) the date the ADR process will occur, and (5) the names of the individuals who will attend the ADR.

The parties **MUST** file with the Clerk of Court the Stipulation Selecting ADR Process concurrently with their Rule 26(f) Report. The Stipulation Selecting ADR Process **SHALL** comply, in form and content, with the "Stipulation Selecting ADR Process" that is available on the Court's website, www.pawd.uscourts.gov, where it can be downloaded and used as a word processing document. For the parties' convenience, the Court has also attached a copy of the Stipulation to this Order.

The parties may decide who will prepare and file the Stipulation Selecting ADR Process. However, the court will hold both parties responsible for ensuring that the Stipulation is filed in the correct form and in a timely manner.

5. Rule 26(a) Disclosures

The parties are excused from the requirement of making the disclosures required by Rule 26(a)(1) within fourteen (14) days after the Rule 26(f) Conference. The parties may agree to make the required disclosures at any time following the Rule 26(f) Conference, and are encouraged to do so promptly. The parties are reminded that under the rule a party shall make its initial disclosures based on the information then reasonably available to it and is not excused from making its disclosures because it has not fully completed its investigation of the case, or because it challenges the sufficiency of another party's disclosures, or because another party has not made its disclosures. If the required disclosures have not been made as of the date of the initial Rule 16 Scheduling Conference, the court shall set a date by which such disclosures must be made at that Conference.

BY THE COURT:

s/Gary L. Lancaster
Gary L. Lancaster,
Chief United States District Judge

cc: All Counsel of Record

ATTACHMENT

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)	
Plaintiff(s),)	
)	
v.)	Civil Action No.
)	
)	
Defendant(s).)	

STIPULATION SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court’s ADR Policies and Procedures.

I. PROCESS

Select one of the following processes:

- _____ Mediation
- _____ Early Neutral Evaluation (ENE)
- _____ Court sponsored Binding¹ Arbitration
- _____ Court sponsored Non-binding Arbitration
- _____ Private ADR (please identify process and provider) _____
- _____ Other (please identify process and provider) _____
- _____

***If you are utilizing a private process, be advised that the case is still governed by the Court’s ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Polices and Procedures.**

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for court sponsored arbitration. For that process costs are paid by the court in accordance with 28 USC §658.):

_____ % by Plaintiff
_____ % by Defendant

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

¹For binding arbitration, please complete form “Stipulation to Binding Arbitration” located on the Court’s website at www.pawd.uscourts.gov

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

Name of Neutral: _____
Address of Neutral: _____
Telephone & FAX Numbers: _____
Email address of Neutral: _____
Date of ADR Session: _____

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

IV. PARTICIPANTS

Name of the individual(s) who will be attending the mediation or early neutral evaluation session in accordance with Sections 3.8A and 4.10A of the Court's ADR Policies and Procedures:

For Plaintiff(s): _____ Name and title
For Defendant _____ Name and title
For Defendant _____ Name and title
For 3d party Deft _____ Name and title

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority.

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: _____ Attorney for Plaintiff

Dated: _____ Attorney for Defendant