

U.S. DISTRICT COURTS FOR THE SOUTHERN DISTRICT OF IOWA

**INSTRUCTIONS AND WORKSHEET FOR PREPARATION OF
SCHEDULING ORDER AND DISCOVERY PLAN**

Effective May 1, 2017

**ORDER REQUIRING SUBMISSION OF SCHEDULING ORDER
AND DISCOVERY PLAN**

Please carefully review the Local Rules, revised as of May 1, 2017 for a more complete description of the District's requirements for pretrial case management (*available at www.iand.uscourts.gov or www.iasd.uscourts.gov*).

IT IS ORDERED THAT counsel for the parties shall confer, as required by Federal Rules of Civil Procedure 16 and 26 and Local Rules 16 and 26, and submit to the Clerk of Court on the attached form a stipulated proposed scheduling order and discovery plan. If counsel are not able to agree upon the deadlines required to complete the form or are requesting deadlines significantly beyond those suggested in the form, or if the case involves any special issues that require the early attention of the court, counsel should, in paragraph 11 of the form, request a Rule 16(b) and 26(f) scheduling and planning conference with the court.

/S/

U.S. MAGISTRATE JUDGE

Follow this worksheet at your Rule 16(b) and 26(f) conference. The deadlines referred to in the worksheet are suggested deadlines except for the dispositive motion deadline, which MUST be at least 150 days before the trial ready date. File only the attached two-page proposed scheduling order and discovery plan. DO NOT FILE THE WORKSHEET.

1. INITIAL DISCLOSURES AND ELECTRONICALLY STORED INFORMATION:

State whether the parties (a) entered into an agreement at the Rule 26(f) conference resolving all issues relating to the Federal Rule of Civil Procedure 26(a)(1) initial disclosures in this action, and (b) discussed the preservation, disclosure, and discovery of electronically stored information.

_____ yes _____ no

If any party objected at the Rule 26(f) conference either to making the initial disclosures or to the timing of the initial disclosures, then **within 14 days after the scheduling order and discovery plan is filed**, the objecting party must serve and file a document in which the objections are set forth with particularity.

If the parties have entered into an agreement concerning the timing of the initial disclosures, state the date by which the initial disclosures will be made.

(insert date)

Unless a different deadline is set by agreement of the parties or court order, or unless a party objects to making the initial disclosures or to the timing of the initial disclosures, Local Rule 26.a requires that the initial disclosures be made **within 14 days after the Rule 26(f) conference**.

Federal Rule of Civil Procedure 26(a)(1) describes the information the parties must, without awaiting a discovery request, provide to other parties. Parties are required to comply fully with Rule 26(a)(1).

If the parties have any other disputes concerning initial disclosures or the preservation, disclosure, or discovery of electronically stored information, or are aware of any other issues relating to scheduling or planning that might benefit from the early intervention of the court, the parties may, in paragraph 11 of the proposed scheduling order and discovery plan, request a court-sponsored pretrial discovery and planning conference.

2. **ADDING PARTIES**: State the deadline for filing motions to add parties.

(insert date)

This deadline should be **no more than 2 months after the date the proposed scheduling order and discovery plan is submitted to the court**.

3. **AMENDING PLEADINGS**: State the deadline for filing motions to amend pleadings.

(insert date)

This deadline should be **no more than 2 months after the date the proposed scheduling order and discovery plan is submitted to the court**.

4. **EXPERT WITNESSES**: State the deadlines for the parties to disclose, in accordance with Federal Rule of Civil Procedure 26(a)(2)(A),(B), and (C) all “expert witnesses” who may be used at trial to present evidence under Federal Rules of Evidence 702, 703, or 705.

Plaintiff’s experts: - (insert date)

Defendant’s experts: - (insert date)

Plaintiff’s rebuttal experts: - (insert date)

The deadlines for the plaintiff to disclose experts, for the defendant to disclose experts, and for the plaintiff to disclose rebuttal experts should be no more than **3 months, 5 months, and 6 months**, respectively, after the date the proposed scheduling order and discovery plan is submitted to the Court. Except as otherwise stipulated by the parties or ordered by the court, the parties must, by these deadlines, provide full disclosure of expert information as required by Federal Rule of Civil Procedure 26(a)(2).

5. **DISCOVERY**: State the date by which all discovery will be **completed**, not propounded.

(insert date)

This deadline should be **no more than 8 months after the date the proposed scheduling order and discovery plan is submitted to the court.**

Federal Rule of Civil Procedure 26(e) imposes a continuing duty to supplement discovery responses as soon as practicable. **All discovery responses must be supplemented at least 30 days before the close of discovery.**

6. **DISPOSITIVE MOTIONS**: State the deadline for filing dispositive motions.

(insert date)

This deadline **must be at least 150 days before the trial ready date**, but should be **no more than 9 months after the date the proposed scheduling order and discovery plan is submitted to the court.**

7. **TRIAL READY DATE**: State the date on which the parties anticipate the case will be ready for trial.

(insert date)

This deadline should be **no more than 13 months after the date the proposed scheduling order and discovery plan is submitted to the court, but must not be less than 150 days after the dispositive motion deadline.**

8. **JURY DEMAND**: State whether a jury demand has been filed.

_____ yes _____ no

9. **ESTIMATED LENGTH OF TRIAL**: State your estimate of the number of days required for trial. For jury trials, include in your estimate the time required for jury selection, opening statements, closing arguments and instructions. If circumstances change, the parties should immediately so notify the court. **In any event, the parties should notify the court of any change in the time required for trial and of their new estimated length of trial by at least 30 days before the trial readiness date in paragraph 7.**

(insert number of trial days)

10. **SETTLEMENT CONFERENCE**: Indicate one of the following two choices regarding a court-sponsored settlement conference:

____ A court-sponsored settlement conference should be set by the court at this time for a date after:

(insert date)

____ A court-sponsored settlement conference is not necessary at this time.

11. **SCHEDULING AND PLANNING CONFERENCE**: State whether the parties believe a court-sponsored scheduling and planning conference pursuant to Federal Rules of Civil Procedure 16(b) and 26(f) would be appropriate in this case.

_____ yes _____ no

12. **CONSENT TO MAGISTRATE JUDGE**: State whether the parties unanimously

consent, or do not unanimously consent, to trial, disposition, and judgment by a United States Magistrate Judge, with appeal to the Eighth Circuit Court of Appeals.

_____ yes, we unanimously consent _ _ no, we do not unanimously consent

You may consent in either a jury or non-jury case. Cases consented to the United States Magistrate Judge will be set for trial on a **date certain**.

13. **FILING OR DELIVERY OF FORM TO CLERK OF COURT:** Print or type the names, addresses, telephone and fax numbers, and e-mail addresses on the proposed scheduling order and discovery plan, sign the proposed order and plan, and electronically file the form in the court's electronic case filing system. **Be sure to include both pages of the proposed order and plan, and include the signature line for the magistrate judge.**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IOWA
DIVISION

_____,
Plaintiff(s),
vs.
_____,
Defendant(s).

NO. _____

**SCHEDULING ORDER AND
DISCOVERY PLAN**

Counsel have conferred and submit the following case information and proposed dates for case management:

1. Did the parties both (a) enter into an agreement at the Rule 26(f) conference resolving all issues relating to initial disclosures, and (b) discuss the preservation, disclosure, and discovery of electronically stored information? yes no
If any party objected at the Rule 26(f) conference to making or to the timing of the initial disclosures, then the objecting party must, within 14 days after this order and plan has been filed, serve and file a document in which the objections are set forth with particularity. If the parties have agreed to a deadline for making the initial disclosures, state the date by which the initial disclosures will be made: _____
2. Deadline for motions to add parties: _____
3. Deadline for motions to amend pleadings: _____
4. Expert witnesses disclosed by: a) Plaintiff: _____
b) Defendant: _____
c) Plaintiff Rebuttal: _____
5. Deadline for **completion** of discovery: _____
6. Dispositive motions deadline (**at least 150 days before Trial Ready Date**): _____
7. Trial Ready Date (**at least 150 days after Dispositive Motions Date**): _____
8. Has a jury demand been filed? yes no
9. Estimated length of trial: _____ days
10. Settlement conference (choose one of the following): (a) A court-sponsored settlement conference should be set by the court at this time for a date after: _____ ; or
(b) A court-sponsored settlement conference is not necessary at this time.
11. Should the court order a court-sponsored scheduling and planning conference pursuant to Fed. R. Civ. P. 16(b) and 26(f)? yes no
12. Do the parties unanimously consent to trial, disposition and judgment by a U.S. Magistrate Judge, with appeal to the Eighth Circuit Court of Appeals? 28 U.S.C. § 636(c).
 yes no

Attorney for Plaintiff(s):
Address:
Telephone:
Facsimile:
E-mail address:

Attorney for Defendant(s):
Address:
Telephone:
Facsimile:
E-mail address:

Attorney for Third-Party Defendant\Other:

Address:

Telephone:

Facsimile:

E-mail address:

JUDGE'S REVISIONS

The deadline in Paragraph _____ is changed to _____ .

The deadline in Paragraph _____ is changed to _____ .

The deadline in Paragraph _____ is changed to _____ .

IT IS ORDERED that this proposed Scheduling Order and Discovery Plan
_____ **is** _____ **is not** approved and adopted by this court.

IT IS FURTHER ORDERED that a scheduling and planning conference:

_____ will not be scheduled at this time.

_____ will be held in the chambers of Judge _____ at the
U.S. Courthouse in _____, Iowa, on the _____ day
of _____, at _____ o'clock, _____ .m.

_____ will be held by telephone conference, initiated by the court, on the
_____ day of _____, at _____ o'clock, _____ .m.

DATED this _____ day of _____ .

MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

ORDER OF REFERENCE

IT IS HEREBY ORDERED that this case is referred to a U.S. Magistrate Judge for the conduct of all further proceedings and the entry of judgment in accordance with 28 U.S.C. § 636(c) and the consent of the parties.

DATED this _____ day of _____ .

UNITED STATES DISTRICT JUDGE