

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

_____,)
)
)
 Plaintiff(s),)
)
 v.) No. _____)
)
 _____,)
)
)
 Defendant(s).)

SCHEDULING ORDER

1. **Introduction:** Pursuant to Fed. R. Civ. P. 16(b) a scheduling conference was held in this cause on _____. Present representing Plaintiff(s) was attorney _____. Present representing Defendant(s) was attorney _____. The following action was taken.

2. **Jurisdiction:** In this case, the subject matter jurisdiction of the Court has been invoked pursuant to 28 U.S.C. § _____, and [**is -or- is not**] in dispute.

3. **Consent to Magistrate Judge:** The parties have consented that all proceedings in this case may be conducted by United States Magistrate Judge Susan K. Lee in accordance with 28 U.S.C. § 636(c).

4. **Settlement / Alternative Dispute Resolution:**

(a) The possibility of settlement is _____ at this time.

(b) The parties will discuss the possibility of utilizing the Federal Court Mediation Program. If the parties think the Federal Court Mediation Program can aid in resolving this case, information regarding the program is available on the Court's website or can be requested in writing from the Division Manager, U.S. District Court, 900 Georgia Avenue, Room 309, Chattanooga, Tennessee 37402.

5. **Disclosure and Discovery:**

(a) **Fed. R. Civ. P. 26(f) Meeting:** The parties reported they have held a discovery planning meeting as required by Rule 26(f).

The parties shall hold a discovery planning meeting as required by Rule 26(f) within ten (10) days.

(b) **E-Discovery**: At the Rule 26(f) meeting [or within ten [10] days], counsel for the parties shall confer regarding electronically stored information or documents pursuant to Rule 26(f)(3)(C). Furthermore, it is expected the parties will comply with all applicable rules of civil procedure relating to electronic discovery, including Rules 26(a)(1)(A)(ii), 33(d), 34(a) and (b), and 45. The parties are directed to confer and cooperatively address all issues relating to electronically stored information, including claims of attorney-client privilege or work-product protection.

-- or --

The parties have conferred regarding electronically stored information or documents pursuant to Rule 26(f)(3)(C). During the pendency of the case, the parties are expected to comply with all applicable rules of civil procedure relating to electronic discovery, including Rules 26(a)(1)(A)(ii), 33(d), 34(a) and (b), and 45. The parties are directed to confer and cooperatively address all issues relating to electronically stored information, including claims of attorney-client privilege or work-product protection.

(c) **Discovery Plan**: The parties reported they have filed with the Court a discovery plan in accordance with Rule 26(f).

-- or --

At the Rule 26(f) meeting, the parties shall develop a discovery plan and file it with the Court within ten (10) days after said meeting. This discovery plan shall conform to the provisions of Fed. R. Civ. P. 26(f).

(d) **Initial Disclosures**: The parties shall make all disclosures required by Rule 26(a)(1) on or before _____. Initial disclosures shall be made in a manner to ensure that the following deadlines will be met.

-- or --

The parties reported they have made all disclosures required by Rule 26(a)(1).

(e) **Expert Testimony**: On or before _____, Plaintiff(s) shall provide to all other parties the disclosures required by Fed. R. Civ. P. 26(a)(2). Defendant(s) shall reciprocate on or before _____. Such disclosures shall include any required written report pursuant to Fed. R. Civ. P. 26(a)(2)(B), and/or any required statement pursuant to Fed. R. Civ. P. 26(a)(2)(C). After the Defendant(s) have disclosed their expert reports, Plaintiff(s) have thirty (30) days to disclose any rebuttal experts, as provided in Fed. R. Civ. P. 26(a)(2)(D)(ii).

If a party believes that a *Daubert* hearing may be necessary to determine the admissibility of expert testimony, the party shall file an appropriate motion as soon as possible and in any event no later than the dispositive motion deadline.

(f) **Final Witness List**: On or before _____, the parties shall provide to all other parties and file with the Court a final witness list in accordance with Fed. R. Civ. P. 26(a)(3)(A)(i). Within five (5) days after service of this final witness list, the list may be supplemented. After that time, the list may be supplemented only with leave of the court and for good cause.

(g) **All Discovery**: All discovery undertaken pursuant to Fed. R. Civ. P. 26 through 37, including without limitation the taking of depositions "for evidence" and requests for admissions, shall be completed by _____.

(h) **Pretrial Disclosures**: On or before _____, the parties shall make the pretrial disclosures specified in Fed. R. Civ. P. 26(a)(3)(A) (ii) and (iii). (Deposition testimony and exhibit list). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.

(i) **Courtroom Technology**: At least five (5) days before the final pretrial conference the parties shall disclose to one another and to the Court the technology they intend to use in the courtroom during the trial and how they intend to use it (*e.g.*, display equipment; data storage, retrieval, or presentation devices). This disclosure shall list (1) equipment they intend to bring into the courtroom to use, and (2) equipment supplied by the Court which the parties intend to use. Further, the parties shall confirm the compatibility/viability of their planned use of technology with the Court's equipment. General information on equipment supplied by the Court is available on the Eastern District of Tennessee website (www.tned.uscourts.gov). Specific questions about Court-supplied equipment should be directed to the presiding judge's courtroom deputy (directory available on website).

6. Other Scheduling Matters:

(a) **Joinder of Parties and Amendments to the Pleadings**: If any party wishes to join one or more additional parties or amend its pleadings, such joinder or motion for leave to amend shall be filed by _____.

(b) **Dispositive Motions**: All dispositive motions under Fed. R. Civ. P. 12 and all motions for summary judgment pursuant to Fed. R. Civ. P. 56 shall be filed as soon as possible, but no later than _____. The failure to timely file such motions will be grounds to summarily deny them.

(c) **Motions in Limine**: Any motions in limine must be filed no later than _____. Any response to a motion in limine will be due within **five (5) days**. Any reply will be due within **two (2) days** after the response is filed.

(d) **Proposed Findings of Fact and Conclusions of Law for Nonjury Trial:**

The parties shall submit to the Court proposed findings of fact and conclusions of law, which shall be supported by citations of authority in accordance with Local Rule 52.1, no later than _____ . Proposed findings of facts shall contain a jurisdictional statement, identify the parties, and set out the facts in the chronological order the particular party intends to prove at trial. Conclusions of law should be concise with appropriate citations of authority pursuant to Local Rule 7.4. Conclusions of law should not be argumentative. A copy of the prepared proposed findings of fact and conclusions of law should be sent as an electronic mail attachment to *lee_chambers@tned.uscourts.gov*.

-- or --

Special Requests to Instruct for Jury Trial: Pursuant to Local Rule 51.1, requests for jury instructions shall be submitted to the Court no later than _____, and shall be supported by citations of authority pursuant to Local Rule 7.4. A copy of the prepared jury instructions should be sent as an electronic mail attachment to *lee_chambers@tned.uscourts.gov*.

The parties shall confer and submit a joint proposal for jury instructions to the extent possible. Before submitting proposed instructions to the Court, the parties must attempt to resolve any disagreements. If not submitted jointly, each set of proposed instructions must include a certification that the movant has in good faith conferred or attempted to confer with the other parties in an effort to resolve any disputed instructions.

The Court uses the Sixth Circuit Criminal Pattern Jury Instructions as its model in formulating the final instructions given to the jury; therefore, all proposed jury instructions must follow their form of the pattern instructions. The parties shall not submit proposed instructions for matters common to both civil and criminal cases and covered by the pattern instructions unless they seek to depart from those standard instructions.

7. Final Pretrial Conference:

(a) A final pretrial conference will be held in this case on _____ at _____ m. before United States Magistrate Judge Susan K. Lee, Room 401 U.S. Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee. **All lawyers who plan to participate in the trial must be present in person at the final pretrial conference.** The parties shall prepare and submit a final pretrial order to the Court **at least two business days prior** to the final pretrial conference.

(b) The Clerk may provide counsel with a jury list containing names and personal information concerning prospective petit jurors (hereafter "the jury list"). Counsel and any other person provided with the jury list may not share the jury list or information therein except as necessary for purposes of jury selection. Following jury selection, counsel and any other person provided the jury list must return to the Clerk the jury list and any copies made from the jury list or destroy them.

8. ***Trial:*** The trial of this case will be held before United States Magistrate Judge Susan K. Lee [**With/Without Jury**] beginning on _____, The trial is expected to last _____ day(s). Counsel shall be present at **8:30 a.m.** to take up any preliminary matters which may require the Court's attention. The parties shall be prepared to commence trial at **9:00 a.m.** on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or any time during the week of the scheduled trial date. **SHOULD THE SCHEDULED TRIAL DATE CHANGE FOR ANY REASON, THE OTHER DATES CONTAINED IN THIS ORDER SHALL REMAIN AS SCHEDULED. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD NOTIFY THE COURT AND SEEK AN ORDER CHANGING THOSE DATES.**

SO ORDERED.

ENTER:

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE