

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

**F O R M**  
**COUNSEL DO NOT NEED TO PREPARE**  
**THIS FORM PRIOR TO THE**  
**SCHEDULING CONFERENCE**

**SCHEDULING ORDER**

1. **Introduction:** Pursuant to FED. R. CIV. P. 16(b) a scheduling conference was held in this cause at \_\_\_\_\_. Present representing the plaintiff was attorney \_\_\_\_\_. Present representing the defendant were attorneys \_\_\_\_\_. The following action was taken.

2. **Jurisdiction:** In this case, the subject matter jurisdiction of the Court has been invoked pursuant to U.S.C. § \_\_\_\_\_, and (**is not/is**) in dispute.

3. **Consent to Magistrate Judge:** The parties (**do not / do**) consent that all proceedings in this case may be conducted by a United States Magistrate Judge in accordance with 28 U.S.C. § 636(c).

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

(a) The possibility of settlement at this time appears to be \_\_\_\_\_.

(b) On or before \_\_\_\_\_, the parties will jointly advise the Court in a pleading to be filed in the same manner as other pleadings as to whether or not an agreement has been reached by the parties to utilize mediation. If no agreement to utilize mediation has been reached by the parties, the pleading must contain a statement that the case is not suitable for mediation, and the reasons therefor. Any mediation must be completed on or before ten (10) days before the final pretrial conference; and the parties shall notify the Court of the results. Any decision to utilize mediation will not alter the deadlines established by this scheduling order. The parties are encouraged to use the Federal Court Mediation Program.

5. **Disclosure and Discovery:**

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

The parties will hold a discovery planning meeting as required by Rule 26(f) on \_\_\_\_\_ (by telephone) (at \_\_\_\_\_.)

(b) **Discovery Plan:** The parties 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).

(c) **Initial Disclosures:** The parties have made all disclosures required by Rule 26(a)(1). **-- OR --**

The parties shall make all disclosures required by Rule 26(a)(1) on or before \_\_\_\_\_.

(d) **Expert Testimony:** Disclosure of any expert testimony in accordance with FED. R. CIV. P. 26(a)(2) shall be made by the parties on or before \_\_\_\_\_.

(e) **Final Witness List:** On or before \_\_\_\_\_, the parties shall provide to all other parties a final witness list in accordance with FED. R. CIV. P. 26(a)(3)(A). Within five (5) days after service of this final witness list, the list may be supplemented.

(f) **All Discovery:** All discovery, including the taking of depositions "for evidence" shall be completed by \_\_\_\_\_.

(g) **Pretrial Disclosures:** On or before \_\_\_\_\_, the parties shall make the pretrial disclosures specified in FED. R. CIV. P. 26(a)(3)(B) and (C). (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.

6. **Other Scheduling Matters:**

(a) **Joinder of Parties:** If any party wishes to join one or more additional parties, such joinder shall be made 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 \_\_\_\_\_.

(d) **Special Requests to Instruct for Jury Trial:** Pursuant to Local Rule 51.1, special 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. There is reserved to counsel for the respective parties the right to submit supplemental requests for instructions during the course of the trial or at the conclusion of trial upon matters that cannot be reasonably anticipated.

-- OR --

**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 fact shall contain a jurisdictional statement, identity of the parties, and set out the facts in 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.

7. **Final Pretrial Conference:** A final pretrial conference will be held in this case on \_\_\_\_\_ at \_\_\_\_\_ PM before the Chief United States District Judge, in chambers, Room 317, United States Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee. The parties shall prepare and submit a final pretrial order to the Court on or before the date of the final pretrial conference.

8. **Trial:** The trial of this case will be held before the Chief United States District Judge **and a jury / without the intervention of a jury** beginning on \_\_\_\_\_, at the United States Courthouse, Chattanooga, Tennessee. The trial is expected to last \_\_\_\_\_ days. Counsel shall be present at 9:00 a.m. to take up any preliminary matters which may require the Court's attention. The parties shall be prepared to commence trial at 9:30 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 anytime during the week of the scheduled trial date.

SO ORDERED.

ENTER:

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R. ALLAN EDGAR  
CHIEF UNITED STATES DISTRICT JUDGE