

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at [DIVISION]

[xxx],)
)
 Plaintiff(s),)
) Case No. x:xx-cv-xxx
 v.)
) Judge Mattice
 [xxx],)
)
 Defendant(s).)

SCHEDULING ORDER

1. **Introduction:** Pursuant to Fed. R. Civ. P. 16(b), a scheduling conference was held in this cause on [date]. Present representing the plaintiff(s) (was/were) attorney(s) _____. Present representing the defendant(s) (was/were) attorney(s) _____. 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/is not) in dispute.

3. **Consent to Magistrate Judge:** The parties (do not, at this time,) consent to have all proceedings in this case 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 this case being resolved by settlement appears to be (likely/unlikely/unknown) at this time.

(b) The parties shall discuss the possibility of utilizing the Federal Court Mediation Program in this case and shall notify the Court on or before _____ as to whether they think the Federal Court Mediation Program can aid in resolving this case. Letters expressing the parties' views in this regard should be sent to the attention of John Medearis, 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 have held a discovery planning meeting as required by Rule 26(f).

The parties will hold a discovery planning meeting as required by Rule 26(f) on or before _____.

(b) ***Discovery Plan***: The parties have filed with the Court a discovery plan in accordance with Fed. R. Civ. P. 26(f).

– or –

At the Rule 26(f) meeting, the parties shall develop a discovery plan and file it with the Court within the ten (10) days following 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 Fed. R. Civ. P. 26(a)(1).

– or –

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

(d) ***Expert Testimony***: Plaintiff shall disclose to all other parties any expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) on or before _____. Defendant shall disclose to all other parties any expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) on or before _____. If at any time it appears that a *Daubert* hearing may be necessary to determine the admissibility of expert testimony, the parties shall notify the Court at their earliest convenience of the potential need for such a hearing.

(e) ***Final Witness List***: On or before _____, each party 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. After that time, the list may be supplemented only with leave of the Court and for good cause.

(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)(A)(ii)-(iii) (*i.e.*, deposition testimony and exhibit lists).

(h) ***Courtroom Technology***: On or before _____, the parties shall (1) disclose to one another 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); (2) disclose to one another the content of their electronic or digital materials; and (3) 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 amendment shall be made by _____.

(b) ***Dispositive Motions***: All dispositive motions per Fed. R. Civ. P. 12 or for summary judgment per Fed. R. Civ. P. 56 shall be filed as soon as possible, but not later than _____. The failure to file such motions timely will be grounds to deny them summarily.

As discussed in his judicial preferences available on the Court's website at <http://www.tned.uscourts.gov/content/harry-s-mattice-jr-united-states-district-judge>. Judge Mattice does not find Statements of Undisputed Material Facts to be helpful and will summarily disregard them unless they conform to the requirements in his preferences, *i.e.* (1) they are jointly-filed; (2) they contain no argument; (3) they state true facts and are not mere reiterations of the parties' positions. Any "response" to such a Statement will result in the Court construing the Statement as not jointly-filed and summarily disregarding it.

(c) ***Motions in Limine***: Any motions in limine must be filed no later than _____ and **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 disputes without court action.

(d) ***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 E.D. Tenn. LR. 7.4. A copy of the proposed jury instructions should be sent as an e-mail attachment in WordPerfect or compatible format to mattice_chambers@tned.uscourts.gov.

Before submitting proposed instructions to the Court, the parties must confer and attempt to resolve any disagreements. 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.

- or -

Proposed Findings of Fact and Conclusions of Law for Nonjury Trial: Pursuant to E.D. Tenn. LR. 52.1, the parties shall submit to the Court proposed findings of fact and conclusions of law 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 them at trial. Conclusions of law should be concise with appropriate citations of authority pursuant to E.D. Tenn. LR. 7.4. Conclusions of law should not be argumentative. A copy of the proposed findings of fact and conclusions of law should be sent as an e-mail attachment in WordPerfect or compatible format to *mattice_chambers@tned.uscourts.gov*.

Before submitting their proposed findings of fact and conclusions of law to the Court, the parties must confer and attempt to resolve any disagreements. 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 proposed findings of fact and conclusions of law.

7. *Final Pretrial Conference:* A final pretrial conference will be held in this case on _____ at _____ before the United States District Judge, First Floor District Courtroom, U.S. Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee.

The parties shall prepare a proposed final pretrial order and submit that proposed order to the Court **at least one business day before the final pretrial conference** by sending it as an e-mail attachment in WordPerfect or compatible format to *mattice_chambers@tned.uscourts.gov*.

8. *Trial:* The trial of this case will be held before the United States District Judge **and a jury/ without the intervention of a jury** beginning on _____ in _____, Tennessee. The trial is expected to last _____ **day(s)**. 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 **9:00 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 SET BY THIS ORDER SHALL REMAIN AS SET FORTH HEREIN. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD FILE A MOTION SHOWING GOOD CAUSE IN ACCORDANCE WITH FED. R. CIV. P. 16(B)(4) AND SUGGESTING ALTERNATIVE DATES.**

ENTERED this ___ day of _____, 2011.

HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE