

4. Formal Discovery

Discovery begins with the issuance of this Court's first scheduling Order. Describe written discovery issued or taken to date. Indicate nature, sequence and timing of written discovery, as well as any need to conduct discovery in phases to prepare for the filing of motions or for settlement discussions. The parties shall address focusing discovery on the subjects and sources most clearly proportional to the case needs. Specifically delineate what discovery will be conducted formally.

The discovery deadline will normally be no more than ninety days after the initial Rule 16 Order scheduling the Initial Pretrial Conference. If the parties believe there are compelling reasons for a longer period of discovery, state them.

5. Electronic Discovery

The parties are required to address procedures to preserve electronically stored information, to avoid inadvertent privilege waivers, and to determine the form in which electronic information will be produced. The cost of producing the information must be discussed and be addressed in this report.

It is expected that the parties will reach an agreement on how to conduct electronic discovery. In the event the parties cannot reach such an agreement before the Rule 16 scheduling conference, the court will enter an order incorporating default standards. The default order can be viewed under Judge Kearney's policies at www.paed.uscourts.gov.

6. Expert Witness Disclosures

Indicate agreement on anticipated testimony of expert witnesses, including whether depositions of experts will be needed.

The parties should expect that the Court requires expert reports to be exchanged simultaneously, witness rebuttal reports required shortly thereafter, and expert discovery to be completed with fact discovery.

7. Settlement or Resolution

Fully explain any decision not to seek early resolution and when mediation would be appropriate.

8. Trial

A firm trial date will be scheduled at or shortly after the pre-trial conference. Please advise of trial attachments, pre-paid vacation, medical plans or other irreversible conflict for you or your client in the following four (4) to eight (8) months.

9. Referral to Magistrate Judge

Please provide a statement whether all parties agree to a referral of this case to a U.S.

Magistrate Judge for trial.¹

10. Other Matters

Describe your discussion and agreement on matters not addressed above but which will affect the just and timely resolution of the case under Fed.R.Civ.P. 1.

(Counsel for Plaintiff)

(Counsel for Defendant)

¹ Magistrate Judges are authorized, with agreement of the parties, to try any civil case, jury or non-jury, with appeals filed directly with the Court of Appeals. All cases assigned to a Magistrate Judge are given a firm trial date.