

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
_____ DIVISION**

_____,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action Number
)	_:_-cv-____-AKK
_____,)	
)	
Defendant.)	

SCHEDULING ORDER

The court has before it the Report of the Parties' Planning Meeting filed on _____, pursuant to Fed. R. Civ. P. 26(f). (Doc. __). This Order governs further proceedings in this action unless modified for good cause shown. It is hereby ORDERED as follows:

This case is: **Jury/Non-jury** .

1. EXTENSIONS FOR THE DEADLINES SET FOR DISCOVERY CUTOFF AND DISPOSITIVE MOTIONS WILL NOT BE EXTENDED ABSENT EXTRAORDINARY SHOWN.¹

2. Discovery: All discovery is to be commenced in time to be

¹ In the event extraordinary cause is shown, only one extension will be granted. All subsequent motions will be denied.

completed by _____. The parties are directed to Appendix IV, which outlines the court's procedures for resolving discovery disputes.

3. **Initial Disclosures:** The parties will exchange the information required by Fed. R. Civ. P. 26 by _____.

4. **Electronically Stored Information:** To the extent it exists, relevant, non-privileged electronic information will be produced by the parties in either PDF or hardcopy format, to enable the parties to exchange discoverable information without undue burden or costs. A requesting party may obtain relevant, non-privileged, electronic information in a format other than PDF or hardcopy only upon agreement by the parties or a showing of substantial need to the court for such information in that format. The parties agree to the entry of an order regarding claims of privilege or of protection with respect to the inadvertent production of any privileged material that will allow the producing party to claw back such inadvertently produced document and will further require that such party produce a privilege log as to any such document.

5. **Limitations on Interrogatories:** Maximum of ___ interrogatories (including discrete subparts) by each party to any other party. Responses due 30 days after service.

6. **Limitations on Requests for Production:** Maximum of ___ requests for production (including discrete subparts) to any other party. Responses due 30

days after service.

7. **Limitations on Requests for Admission:** Maximum of ___ requests for admission by each party to any other party. Responses due 30 days after service.

8. **Limitations on Depositions:** Maximum of ___ depositions by plaintiff and ___ by defendant. Each deposition is limited to a maximum of ___ hours unless extended by agreement of the parties or order of the court.

9. **Reports from retained experts under Fed. R. Civ. P. 26(a)(2):**
Due from plaintiff by _____, and from defendant by _____.

10. **Supplementation of disclosures and discovery under Fed. R. Civ. P. 26(e) are due** as soon as reasonably possible after new information is discovered, but no later than _____.

11. **Parties and Pleadings:** Plaintiff is allowed until _____ to join additional parties and to amend the pleadings. Defendant is allowed until _____ to join additional parties and amend the pleadings.²

Unless the party's pleading may be amended as a matter of course pursuant to Fed. R. Civ. P. 15(a), the party must file a Motion for Leave to Amend. Such Motion for Leave to Amend shall state, specifically, those matters the party wishes

²Any Amended Complaint must comply with Fed. R. Civ. P. 8(a), 10(b) and 11(b).

to add or delete and shall contain, attached as an exhibit, the complete and executed Amended Complaint or Amended Answer, which is suitable for filing. The Motion for Leave to Amend, with the attached amended pleading, shall be served in accordance with Fed. R. Civ. P. 5.

12. **Dispositive Motions:** All potentially dispositive motions should be filed by _____. **Appendix II attached hereto sets forth the briefing and submission requirements of summary judgment motions for all parties. The court will not issue a briefing schedule order upon submission of a dispositive motion. Appendix III attached hereto governs Non-Summary Judgment Motions. The parties are expected to follow the directions set forth in Appendices II and III.**

13. **Final lists of witnesses and exhibits under Fed. R. Civ. P. 26(a)(3) and lists of deposition designations for trial testimony** must be served and filed _____ days before trial.³ The parties shall have _____ days after service of final lists of witnesses and exhibits to file objections under Fed. R. Civ. P. 26(a)(3).

14. **Motions in Limine:** All motions in limine should be filed **15 days prior to trial.**

³Unless specifically agreed by the parties or allowed by the court for good cause shown, the parties shall be precluded from offering substantive evidence through any witness not so listed. The listing of a witness does not commit the listing party to have such witness available at trial or to call such witness to testify, but does preclude the listing party from objecting to the presentation of such witness' testimony by another party.

15. **Additional Conferences:** Final Pretrial Conference requested 45 days prior to trial date.

16. **Mediation:** Unless a party objects, on [30 days prior to the close of discovery], the court will issue an order referring this case to mediation.⁴ A party may object to the referral to mediation – and in that event the court will not issue the mediation order – by corresponding with the court's chambers on or before [21 days prior to the close of discovery]. An order sending the parties to mediation does not operate as a stay of the proceedings.⁵ If the case is sent to mediation, the court will not delay any deadlines set in this Order; specifically, the deadlines set for discovery cutoff and for filing dispositive motions will not be extended.

17. This case will be trial-ready by _____.

Estimated trial time: ____ days.

18. **Marking of Exhibits:** Each party that anticipates offering as substantive evidence as many as six (6) exhibits shall pre-mark such exhibits in advance of trial, using exhibit labels and exhibit lists available from the Clerk of the Court. By the time the case is scheduled for trial, a copy of the exhibit list shall be served and filed, with the exhibits being made available for inspection by _____

⁴The order does not set a date certain for mediation. Rather, the parties are ordered to complete mediation by the date provided within the order referring this case to mediation.

⁵Although the Northern District of Alabama's ADR Plan provides for a stay of proceedings during mediation (ADR Plan IV.B.4.), this court does not stay the proceedings for mediation.

opposing counsel; the presentation of evidence at trial **shall not** ordinarily be interrupted for opposing counsel to examine a document that has been so identified and made available for inspection.

DONE this ____ day of _____, 20__.

ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE