

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
Choose an item. DIVISION

Plaintiff(s),	)	
	)	
Plaintiff(s)	)	
	)	
vs.	)	Case No. Case Number.
	)	
Defendant(s),	)	
	)	
Defendant(s)	)	

**ORDER REGARDING COMPLIANCE WITH RULE 26**

The parties are reminded to conduct a conference pursuant to Federal Rule of Civil Procedure 26(f). The parties must confer **no later than twenty-one (21)** days after the entry date of this order. During the Rule 26(f) conference, the parties’ discussions shall cover at least the following topics:

- the nature and basis of the claims and defenses and the possibility of a prompt settlement or resolution of the case through formal mediation or informal settlement negotiations;
- a proposed discovery plan, including deadlines for the matters addressed in sub-paragraphs (1) through (4) of Rule 26(f) and a protocol to govern the search and production of electronically stored information; and
- the need for a protective order for disclosure of “protected health information.”<sup>1</sup>

If the parties are unable to agree upon a date, time, or place for the Rule 26(f) conference, the parties are **ORDERED** to immediately file a joint notice with the court.

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<sup>1</sup> If the parties agree to the entry of the court’s standard HIPAA protective order, they may indicate their agreement in the joint report of planning meeting. If the parties require a HIPAA order tailored to the case, the moving party should email a proposed draft order to the chambers email address upon the filing of a motion.

Additionally, to the extent they have not already done so and unless otherwise stipulated or ordered, the parties shall exchange the initial disclosures required under Rule 26(a)(1) **no later than seven (7) days before the meeting** in order to facilitate better discussions during the discovery conference.

**Within fourteen (14) days of the Rule 26(f) meeting, the parties must file a joint report of their planning meeting.** The report should include but need not be limited to the following:

- a brief description of the nature of the case;
- an indication of the parties' assessment of the complexity of the case;
- proposed deadlines for amending the pleadings, joining additional parties, discovery, and dispositive motions;
- a statement regarding the parties' initial interest in alternative dispute resolution;
- any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502; and,
- if applicable, an indication that a party anticipates that it may, for any reason other than as a sanction under the Federal Rules of Civil Procedure, seek an award of fees from the opposing party, as well as the potential basis for that request—e.g., pursuant to a statute or common law or an agreement between the parties.

If the parties disagree about any item, the parties' respective positions must be clearly set forth in separate paragraphs. The parties are encouraged, ***but not required***, to use the templates attached as **Appendix A** and **Appendix B** to this Order in preparing their joint report.

APPENDIX A

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
\_\_\_\_\_ DIVISION

**[Name(s) of plaintiff(s)]** )  
 )  
 **Plaintiff(s),** )  
 )  
 v. ) **Civil Action No. \_\_\_\_**  
 )  
 **[Name(s) of defendant(s)]** )  
 )  
 **Defendant(s).** )

**REPORT OF THE PARTIES' PLANNING MEETING**

1. The following persons participated in a Federal Rule of Civil Procedure 26(f) conference on <Date> by <State the method of conferring>:

<Name>, representing the <plaintiff(s)>  
<Name>, representing the <defendant(s)>

2. Initial Disclosures. The parties [have completed] [will complete by <Date>] the initial disclosures required by Rule 26(a)(1).

3. Discovery Plan. The parties propose this discovery plan:

<Use separate paragraphs or subparagraphs if the parties disagree.>

- (a) Discovery will be needed on these subjects: <Describe>.
- (b) <Dates for commencing and completing discovery, including discovery to be commenced or completed before other discovery.>
- (c) <Maximum number of depositions by each party.>
- (d) <Limits on the length of depositions, in hours.>
- (e) <Maximum number of interrogatories by each party to another party, along with the dates the answers are due.>
- (f) <Maximum number of requests for production.>
- (g) <Maximum number of requests for admission, along with the dates responses are due.>
- (h) <Dates for exchanging reports of expert witnesses.>
- (i) <Dates for supplementations under Rule 26(e).>

- (j) <Any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after information is produced, including agreements reached under Federal Rule of Evidence 502.>

4. Other Items:

- (a) <A date if the parties ask to meet with the court before a scheduling order.>
- (b) <Final dates for the plaintiff to amend pleadings or to join parties.>
- (c) <Final dates for the defendant to amend pleadings or to join parties.>
- (d) <Final dates to file dispositive motions.>
- (e) <State the prospects for settlement.>
- (f) <Identify any alternative dispute resolution procedure that may enhance settlement prospects.>
- (g) <Requested dates for pretrial conference.>
- (h) <Suggested trial date and estimate of trial length.>
- (i) <State whether any party anticipates that it may seek an award of fees from the opposing party, and the potential basis for that request (e.g., statute, common law, or agreement).>
- (j) <Other matters.>

Date: <Date>

<Signature of the attorney or unrepresented party>

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<Printed name>  
<Address>  
<E-mail address>  
<Telephone number>

Date: <Date>

<Signature of the attorney or unrepresented party>

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<Printed name>  
<Address>  
<E-mail address>  
<Telephone number>

**APPENDIX B**

*CASE NAME*

**Case No.**

**SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET**

A. Deadlines

	Parties' Requested Dates
Initial Disclosures	
Deadline to Join Parties or Amend Pleadings	P: D:
Expert Reports	P: D:
Fact & Expert Discovery Complete	
Dispositive motions	
Pretrial Conference	
Trial Date	

B. Discovery Limits

	Parties' Requested Limits
Depositions	
Interrogatories	
Requests for Production	
Requests for Admissions	