

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Plaintiff,

v.

Civil Action No. _____

Defendant.

NOTICE OF SCHEDULING CONFERENCE

BOAL, M.J.

An initial scheduling conference will be held in Courtroom **14** on the **5th floor** on _____ at _____ **a.m.**, in accordance with Fed. R. Civ. P. 16(b) and Local Rules 16.1 (as modified by this order) and 16.6 (for patent cases). The Court considers compliance with sections (B), (C), (D) of LR 16.1 (as modified by this Order) and LR 16.6 for patent cases to be of the utmost importance. Failure to comply fully with this notice and with sections (B), (C), (D) of LR 16.1 (as modified by this Order) and section (A) of LR 16.6 for patent cases may result in sanctions under LR 1.3. Counsel for the plaintiff is responsible for ensuring that all parties and/or their attorneys, who have not filed an answer or appearance with the Court, are notified of the scheduling conference date.

The parties shall comply with the requirements of LR 16.1 (B), (C), and (D) except as modified below:

1. Obligation of Counsel to Confer: Counsel for the parties shall comply with LR 16.1(B), except that counsel need not prepare an agenda of matters to be discussed at the scheduling conference unless:
 - a. Counsel agree that there are matters not otherwise addressed under LR 16.1 that the Court should address at the scheduling conference; or
 - b. Counsel are specifically directed to prepare such agenda by the Court.
2. Settlement Proposals: The parties shall comply with LR 16.1(C).
3. Joint Statement: The parties shall comply with LR 16.1(D), but their joint statement shall also include a concise summary of the position of the plaintiff(s) and defendant(s) regarding both liability and relief sought.
4. Scheduling Order: In most cases, the Court will issue a scheduling order at the conference in the form attached hereto. The Court may depart from the form in

cases of relative complexity or simplicity or otherwise where justice may so require. The parties should attempt to agree on the relevant dates for discovery and motion practice. In a case of ordinary complexity, the parties should propose a schedule that calls for the completion of fact discovery, expert discovery, and motion practice less than one calendar year from the date of the scheduling conference. The dates of the status conference and pretrial conference will be set by the Court.

5. Discovery Event Limitations: Counsel representing parties in relatively complex matters who expect to require relief from the limitations on discovery events set forth in LR 26.1(c) should be prepared to address that issue at the scheduling conference.
6. If one party does not cooperate with the other party or parties in preparing the joint statement as required by the Local Rules and this Order, the other party or parties shall file a separate statement containing the information required by LR 16.1 (as modified by this Order), the identity of the party not cooperating in the preparation, and the efforts undertaken to obtain that cooperation.

Jennifer C. Boal
United States Magistrate Judge

Date

By: _____
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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Plaintiff,)
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)
)
)
Defendant.)
_____)

SCHEDULING ORDER

This Scheduling Order is intended to provide a reasonable timetable for discovery and motion practice in order to help ensure a fair and just resolution of this matter without undue expense or delay.

Timetable for Discovery and Motion Practice

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(F), it is hereby ORDERED that:

1. **Initial Disclosures:** The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) by _____.
2. **Amendments to Pleadings.** Except for good cause shown, no motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed after _____.
3. **Fact Discovery - Interim Deadlines.**
 - a. All written fact discovery must be served by _____.
 - b. All depositions, other than expert depositions, must be completed by _____.
4. **Fact Discovery - Final Deadline.** All discovery, other than expert discovery, must be completed by _____.
5. **Status Conference.** A status conference will be held on _____ in

Courtroom 14 on the 5th floor before the Hon. Jennifer C. Boal, U.S.M.J.

6. **Expert Discovery.**

- a. Plaintiff(s)' trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by _____.
- b. Plaintiff(s)' trial experts must be deposed by _____.
- c. Defendant(s)' trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by _____.
- d. Defendant(s)' trial experts must be deposed by _____.

7. **Dispositive Motions.**

- a. Dispositive motions, such as motions for summary judgment or partial summary judgment and motions for judgment on the pleadings, must be filed by _____.
- b. Oppositions to dispositive motions must be filed within ____ days after service of the motion.

8. **Initial Pretrial Conference.** An initial pretrial conference will be held on _____ at _____ in Courtroom 14 on the 5th floor before the Hon. Jennifer C. Boal, U.S.M.J. The parties shall submit a pretrial memorandum in accordance with Local Rule 16.5(D) five business days prior to the date of the conference, except that the parties do not need to include matters required by Local Rule 16.5(D)(2) or (3).

9. If necessary, trial in this matter will commence on _____.

Procedural Provisions

1. **Modification of Scheduling Order.** Pursuant to LR 16.1(G), the Scheduling Order, having been established with the participation of all parties, can be modified only by court order, and only upon a showing of good cause supported by affidavits, other evidentiary materials, or references to pertinent portions of the record. All motions to extend shall contain a brief statement of the reasons for the request; a summary of the discovery, if any, that remains to be taken; and a specific date when the requesting party expects to complete the additional discovery, join other parties, amend the pleadings, or file a motion.
2. **Motions to Compel or Prevent Discovery.** Except for good cause shown, motions to compel discovery, motions for protective orders, motions to quash, motions to strike discovery responses, and similar motions must be filed no later than the close of fact discovery or the close of expert discovery, whichever deadline is relevant. If additional discovery is compelled by the Court after the relevant deadline has passed, the Court may enter such additional orders relating to discovery as may be appropriate.
3. **Reply Memoranda.** Parties need not seek leave of court to file a reply memorandum in response to an opposition to any motion, provided that such a reply memorandum does not exceed twelve pages, double-spaced, and is filed within seven days after service of the opposition memorandum. Parties may otherwise file reply or sur-reply memoranda only with leave of court. When such leave is sought, the moving party may file a proposed reply or sur-reply memorandum with the motion for leave.
4. **Status Conferences.** The Court has scheduled a status conference after (or close to) the close of discovery for case management purposes. Any party who reasonably believes that a status conference will assist in the management or resolution of the case may request one from the Court upon reasonable notice to opposing counsel.
5. **Additional Conferences.** Upon request of counsel, or at the Court's own initiative, additional case-management or status conferences may be scheduled. Parties may request telephonic conferences where appropriate to avoid undue

inconvenience or expense.

6. **Early Resolution of Issues.** The Court recognizes that, in some cases, resolution of one or more preliminary issues may remove a significant impediment to settlement or otherwise expedite resolution of the case. Counsel are encouraged to identify any such issues and to make appropriate motions at an early stage in the litigation.
7. **Pretrial Conference.** Lead trial counsel are required to attend any pretrial conference.

Date:

JENNIFER C. BOAL
UNITED STATES MAGISTRATE JUDGE