

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**STANDING ORDER REGARDING THE COURT’S SCHEDULING PRACTICES AND
SAMPLE SCHEDULING ORDER**

A. KELLEY, D.J.

The Court has adopted the following practices regarding scheduling unless, upon motion for good cause shown or *sua sponte*, the Court orders otherwise.

- A. Joint Statement of Proposed Schedule:** Counsel shall review Local Rule 16.1, requiring, *inter alia*, that the parties file a joint statement containing a proposed pretrial schedule no later than seven (7) days before a scheduling conference.¹ The Court has enclosed a **Sample Scheduling Order**, which is intended to assist counsel in focusing on the various stages of pretrial litigation. Counsel should consult and jointly recommend a proposed schedule as per the enclosed sample. Counsel shall also indicate whether they consent to trial by magistrate judge. See Local Rule. 16.1(b)(3). In lieu of a conference to discuss scheduling, the Court may adopt a proposed schedule submitted jointly by the parties. In cases involving a pro se litigant, the parties are encouraged to confer and submit a joint statement. If they are unable to do so, the parties shall submit separate proposed schedules.
- B. Multiple Defendants and Motions to Dismiss:** In cases with multiple defendants, where at least one defendant has answered and another has filed a motion to dismiss some or all claims, the Court may schedule a Rule 16 conference to ensure the non-moving parties commence discovery while a motion to dismiss is pending. The non-moving defendant(s) and plaintiff(s) shall consult and prepare a proposed pretrial schedule, per the enclosed **Sample Scheduling Order**, pursuant to Local Rules 16(b), (d), and Section A of this Order.
- C. In-Person or Remote Hearings:** All Court conferences and hearings will be held in person in Courtroom 8, unless the parties jointly request a remote hearing to be conducted over Zoom for scheduling and status conferences. Such requests must be made at least two (2) business days prior to the scheduled conference or hearing.
- D. Requests for Continuances or Extensions of Time:** Motions to extend or modify deadlines will be granted only for good cause shown. All requests for continuances or extensions of time must be made by motion, not by letter/request, stipulation, phone call, or email. Such motions must state:

1. the original date(s);

¹ The Local Rules of the United States District Court for the District of Massachusetts are available on the Court’s website at <https://www.mad.uscourts.gov/general/rules-home.htm>. Local Forms are available at <https://www.mad.uscourts.gov/resources/forms-local.htm?category=>.

2. the proposed new date(s);
3. the number of previous requests for adjournment or extension;
4. whether those previous requests were granted or denied;
5. the reasons for the requested extension; and
6. whether the opposing party consents and, if not, the reasons given for refusing to consent.

E. Early Resolutions 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 confer with one another to resolve or narrow any such issue prior to raising it to the Court. Any stipulations resolving such issues or appropriate motions seeking a ruling from the Court should be filed at the earliest stage possible in the litigation.

SO ORDERED.

Dated: February 8, 2023

/s/ Angel Kelley
Hon. Angel Kelley
United States District Judge

Enclosure: Sample Scheduling Order

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
_____ ,)	
Plaintiff(s),)	
)	
v.)	Civil Action No. _____
)	
_____ ,)	
Defendant(s).)	
_____)	

SAMPLE SCHEDULING ORDER

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

- A. **Initial Disclosures**: Initial disclosures required by Fed. R. Civ. P. 26(a)(1) must be completed by _____.

- B. **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 _____.

- C. **Fact Discovery – Interim Deadlines**:
 - 1. Written discovery (requests for production of documents, interrogatories, and request for admissions) shall be served no later than _____.

 - 2. All depositions, other than expert depositions, must be completed by _____.

- D. **Fact Discovery – Final Deadline**: All discovery, other than expert discovery, must be completed by _____.

- E. **Status Conference**: The Court will schedule a status conference at or near the close of fact discovery for case management purposes. Any party who reasonably believes that an earlier status conference will assist in the management or resolution of the case may request one from the Court upon reasonable notice to opposing counsel.

F. Expert Discovery:

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

G. Dispositive Motions:

1. Dispositive motions, such as motions for summary judgment and motions for judgment on the pleadings, must be filed by _____.
2. Oppositions to dispositive motions must be filed within 21 days of service of the motion.
3. Reply memoranda, not to exceed 10 pages, must be filed within 14 days after service of the opposition papers.
4. Sur-Reply memoranda are not permitted.

H. Trial by Magistrate Judge: The parties [do/do not] consent to trial by magistrate judge at this time.

SO ORDERED.

Dated:

/s/
Hon. Angel Kelley
United States District Judge