UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

SAMPLE SCHEDULING ORDER

HEDGES, M.J.

This scheduling order is intended to provide a reasonable timetable for discovery and motion practice 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.** Initial disclosures required by Federal Rule of Civil Procedure 26(a)(1) must be completed 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 _____. The party seeking leave to amend shall attach as an exhibit to their motion a redlined version of the proposed amendment for the Court's consideration.

3. **Fact Discovery – Interim Deadlines.**

    a. All requests for production of documents and interrogatories must be served by _____.

    b. All requests for admission must be served by _____.

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

d. Final Fact Discovery Deadline. All discovery, other than expert discovery, must be completed by _____.

4. **Status Conference.** A status conference will be held on _____ at _____ in Courtroom 15.

5. **Expert Discovery.**

   a. Trial experts must be designated, and the information contemplated by Federal Rule of Civil Procedure 26(a)(2) must be disclosed, by _____.

   b. Rebuttal trial experts must be designated, and the information contemplated by Federal Rule of Civil Procedure 26(a)(2) must be disclosed, by _____.

   c. All trial experts must be deposed by _____.

6. **Dispositive Motions.** Dispositive motions, such as motions for summary judgment or partial summary judgment and motions for judgment on the pleadings must be filed by _____.

7. **Initial Pretrial Conference.** A pretrial conference shall be held at a time set by the Court following resolution of any dispositive motions.

Procedural Provisions

8. **Extension of Deadlines.** Motions to extend or modify deadlines will be granted only for good cause shown. 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 additional discovery, join other parties, amend the pleadings, or file a motion.

9. **Meet and Confer Requirement.** Before requesting a discovery hearing, the parties must first confer in a good-faith effort to resolve or narrow the dispute in compliance with Local Rule 7.1(a)(2) and Local Rule 37.1(a). Counsel must certify that they made good-faith efforts to confer. An adequate certificate of conference requires at least one personal communication (e.g., in person, by videoconference, or by telephone), if not more, between counsel. The Court expects all parties to engage in reasonable compromise to facilitate the resolution of discovery disputes.

10. **Motions to Compel or Prevent Discovery.** After the parties have met and conferred pursuant to Local Rules 7.1(a)(2) and 37.1(a), and prior to drafting or filing motions to compel discovery, motions for protective orders, motions to quash, motions to strike discovery responses, or similar discovery-related motions, counsel should contact the Court's courtroom deputy and request a brief conference with the Court. The conference will be conducted remotely (via Zoom) and will allow the Court to discuss the discovery dispute with the parties before counsel devotes significant time and resources to motion practice. The parties shall file a brief joint memorandum,

not to exceed three pages, outlining the areas in dispute three days before the conference.

If, after the conference, a party still wishes to file a discovery-related motion, such motion must be filed no later than the close of fact discovery or the close of expert discovery, whichever deadline is relevant. The Court will not entertain any motions related to disputes arising from discovery conducted beyond the Court-ordered deadline, unless for good cause shown. If additional discovery is compelled by the Court after the relevant deadline has passed, the discovery deadline shall be extended solely for the requested discovery. The Court may enter such additional orders relating to discovery as may be appropriate.

Counsel shall be mindful of the requirements set forth in Local Rule 37.1(b). The moving party's memorandum in support of any discovery motion shall include each interrogatory, deposition question, request for production, request for admission, or other discovery matter to be decided by the Court, and the response thereto. The moving party must state its position as to each contested issue, with supporting legal authority, immediately following each contested item.

11. **Dispositive Motions.** The following deadlines and procedures shall apply to all dispositive motions and related briefs and submissions, including motions to dismiss, motions for summary judgment, motions for judgment on the pleadings, and motions for judgment as a matter of law.

    a. The moving party shall comply with the time frames designated in the applicable Federal Rules of Civil Procedure, relevant Local Rules, and any schedule set by this Court.

    b. An opposition is due within fourteen days of service of the motion, except as to motions for summary judgment, where oppositions may be filed within twenty-one days. *See* Local Rules 7.1, 56.1.

    c. The moving party may file a reply as of right within seven days of the filing of the opposition, except as to motions for summary judgment, where a reply may be filed within fourteen days after the opposition is served. A reply shall not exceed five pages. A sur-reply is not permitted.

    d. Motions and cross-motions for summary judgment are governed by additional procedures set forth in Sections 12 and 13, *infra*.

12. **Motions for Summary Judgment.** Counsel shall review and adhere to Local Rule 56.1, in addition to the procedures set forth below.

    a. Statement of Material Facts. The moving party shall state its facts in a numbered list. When filing its response to the moving party's statement of material facts, the opposing party shall list the moving party's facts in the same numerical order as presented in the moving papers and shall state its response

immediately beneath each numbered fact. The opposing party shall then, in the same document, list any additional material facts in support of its opposition, beginning with the number following the last number appearing in the moving party's statement of material facts. The same process shall apply for the moving party's reply, if they choose to reply. Such formatting may look like the following:

> **Opposing Party's Response to Moving Party's Statement of Material Facts**
>
> 1. [Moving Party's Fact and Citation to Record Evidence, *Verbatim*].
>
> **RESPONSE**: [Not disputed/Disputed]. [If disputed, cite to record evidence showing the dispute].
> ….
>
> 39. [Moving Party's Fact and Citation to Record Evidence, *Verbatim*].
>
> **RESPONSE**: [Not disputed/Disputed]. [If disputed, cite to record evidence showing the dispute].
>
> **Opposing Party's Statement of Additional Material Facts**
>
> 40. [Fact in Support of Opposition]. [Citation to Record Evidence].

13. **Cross-Motions for Summary Judgement.** Notwithstanding the provisions of Section 11, *supra*, if both sides are filing motions for summary judgment, they shall do so as set forth below.

    a. Defendant shall file its motion, with a memorandum not to exceed twenty pages, on or before the date for filing dispositive motions set forth in this Scheduling Order.

    b. Within thirty days of Defendant's submission pursuant to the previous paragraph, Plaintiff shall file a single memorandum as both its memorandum in opposition to Defendant's motion and its memorandum in support of its cross-motion, not to exceed thirty pages;

    c. Within twenty-one days of Plaintiff's submission pursuant to the previous paragraph, Defendant shall file a single memorandum as both its reply in support of its motion and its opposition to Plaintiff's cross-motion, not to exceed fifteen pages; and

d. Within fourteen days of Defendant's submission pursuant to the previous paragraph, Plaintiff may file a memorandum as its reply in support of its cross-motion, not to exceed five pages.

14. **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.

15. **Encouraging Participation by Less-Experienced Lawyers.** Ordinarily, only one lawyer for each party may argue at a hearing. Nevertheless, the Court has a strong commitment to supporting the development of our next generation of lawyers. The Court encourages parties and senior attorneys to allow less-experienced practitioners the opportunity to argue in court. If a lawyer of five or fewer years of experience will be arguing, a party should advise the Court prior to the beginning of the hearing. In that event, the Court will allow multiple lawyers to argue on behalf of that party.

16. **Privacy Policy.** Federal Rule of Civil Procedure 5.2 restricts the publication of certain personal data in documents filed with the Court. The rule requires limiting Social Security and financial account numbers to the last four digits, using initials for the names of minor children, and limiting dates of birth to the year. If such information is elicited during testimony or other court proceedings, it will become available to the public when the official transcript is filed. Counsel are encouraged to avoid introducing this information into the record in the first place and are advised to use caution when questioning witnesses or making other statements in court.

17. **Requests for Hearings.** Any party making or opposing a motion may include a request for oral argument in a separate paragraph of that motion or opposition. *See* Local Rule 7.1(d). The Court will determine whether a hearing is necessary and set a hearing date as needed. Otherwise, the Court will decide the motion on the papers.

18. **ECF Citations.** When citing to documents filed on the Court's electronic docket, e.g., the complaint, another party's memorandum, or an exhibit to a prior submission, parties shall use the following format: (Docket No. ___). This convention shall be used instead of formats using the title of the cited document, e.g., Bluebook format.

19. **Filing of Papers.** Documents filed through CM/ECF in support of or opposition to a motion shall be filed separately from the motion, using the appropriate event listed under CM/ECF's "Memoranda, Responses, and Replies" tab. For example, an affidavit in support of a motion shall be filed separately from the motion. Each attachment to a document filed in support of or opposition to a motion shall be filed as a separate attachment to that document, with docket text indicating not only the Exhibit number but also a short title for the Exhibit.

20. **Resources for Pro Se Litigants.** Pro se civil litigants are encouraged to review the resources available at https://www.mad.uscourts.gov/general/prose-litigants.htm.

SO ORDERED.

Dated:

/s/ Jessica D. Hedges
United States Magistrate Judge