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

JOUN, D.J.

, at p.m.

Counsel and the parties shall comply with the terms of Fed. R. Civ. P. 16 and Local Rule 16.1 and, if this is a patent case Local Rule 16.6(A), except as stated below:

1. **Agenda Not Required**: Counsel may omit the agenda required by Local Rule 16.1 (B)(1) unless:
 - a. Counsel believe that there are matters not otherwise addressed under LR 16.1 that the Court should address at the scheduling conference;
 - b. This is a patent case; or
 - c. Counsel are specifically directed to prepare such an agenda by the Court.
2. **Settlement Proposals**: Plaintiff(s) shall present written settlement proposals to Defendant(s) no later than 14 days before the scheduling conference. Each Defendant shall

present to the Plaintiff(s) a written response to the Plaintiff(s)' settlement proposal(s) no later than seven days prior to the scheduling conference.

3. **Joint Statement:** 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 this Order, the identity of the party not cooperating in the preparation, and the efforts undertaken to obtain that cooperation.

The parties 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 within one calendar year from the date of the scheduling conference. The date of the status 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 Local Rule 26.2(c) should be prepared to address that issue at the scheduling conference.
6. **Session Standing Orders:** Accompanying this Notice is a copy of the Session's Standing Order Regarding Motion Practice. Counsel should familiarize themselves with this and other standing orders for the session.
7. **Reassignment to a Magistrate Judge:** The parties shall indicate whether all parties consent to reassignment of the case to a magistrate for all purposes. If all parties consent, the parties should also jointly file a completed "Consent/Refusal of Magistrate Judge Jurisdiction" form available at <http://www.mad.uscourts.gov/resources/forms-local.htm>.
8. **Rule 16 Conference:** In the joint submission, **the parties may request** the Court permit counsel to attend the Rule 16 Conference by videoconference.

Dated:

/s/ Myong J. Joun
United States District Judge

By: /s/ Steve York
Courtroom Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
)	
_____,)	
Plaintiff(s),)	
)	
v.)	Civil Action No. ____-cv-____-MJJ
)	
)	
_____,)	
Defendant(s).)	
)	
_____)	

[PROPOSED] SCHEDULING ORDER

_____, 20__

JOUN, D.J.

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.** Initial disclosures required by [Fed. R. Civ. P. 26\(a\)\(1\)](#) and by this Court's Notice of Scheduling Conference must be completed by _____, 20__.
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 _____, 20__.
3. **Fact Discovery – Interim Deadlines.**
 - a. All requests for production of documents and interrogatories must be served by _____, 20__.
 - b. All requests for admission must be served by _____, 20__.

- c. All depositions, other than expert depositions, must be completed by _____, 20__.
4. **Obligation to Supplement.** Supplemental disclosures under Fed. R. Civ. P. 26(e) shall be made promptly after the receipt of information by the party or counsel and, in any event, no later than the completion of fact discovery, unless good reason can be shown for why such information was not available.
5. **Final Fact Discovery Deadline.** All discovery, other than expert discovery, must be completed by _____, 20__.
6. **Status Conference.** A status conference will be held on _____, 20__ at ____:__ a.m./p.m. By _____, 20__, [two days prior to the status conference], the parties shall file a status report indicating the current status of the case, including whether the parties intend to seek expert discovery and/or intend to file any dispositive motions, whether the parties are interested in mediation, as well as any other matter relevant to the progress of the case.
7. **Expert Discovery.**
 - a. Trial experts for the party with the burden of proof must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by _____, 20__.
 - b. Rebuttal trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by _____, 20__.
 - c. All trial experts must be deposed by _____, 20__.
8. **Summary Judgment Motions.**
 - a. Motions for summary judgment must be filed by _____, 20__.
 - b. Opposition to summary judgment motions are due twenty-one (21) days thereafter.
 - c. Reply memoranda are due within fourteen (14) days of the filing of the opposition.
 - d. Sur-reply memoranda are not permitted.
 - e. In the case of cross-motions, the deadlines and page limits for the filings other than the Plaintiff's initial motion are set forth in the Session's Standing Order Regarding Motion Practice in Section D(2) unless specifically modified.
9. **Trial.** The parties will be ready for trial on Monday, _____, 20__.

Procedural Provisions

1. **Extension of Deadlines.** All requests to extend or modify deadlines must be made by motion and must state: (1) the original date(s); (2) the number of previous requests for adjournment or extension; (3) whether these previous requests were granted or denied; (4) the reasons for the requested extension; and (5) whether the opposing party consents and, if not, the reasons given for refusing to consent. The motion shall also contain 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. Motions to extend or modify deadlines will be granted only for good cause shown.

If the requested extension or modification affects any other scheduled dates, a represented party must submit a proposed revised scheduling order using this template. (A *pro se* party may, but is not required to, submit a proposed revised scheduling order.)

Absent an emergency, any request for an extension or adjournment shall be made at least forty-eight hours prior to the deadline or scheduled appearance.

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 seven days after 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. **Status Conferences.** The Court has scheduled a status conference after (or close to) the close of fact discovery for case management purposes. Upon request of counsel, or at the Court's own initiative, additional case-management or status conferences may be scheduled.
4. **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.
5. **Pretrial Conference.** Lead trial counsel are required to attend any pretrial conference.

United States District Judge