

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Plaintiff,

v.

CIVIL ACTION
NO. _____

Defendant.

SCHEDULING ORDER

HENNESSY, M.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. See Fed. R. Civ. P. 1.

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) 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 _____.
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 _____.
4. **Fact Discovery - Final Deadline.** All discovery, other than expert discovery, must be completed by _____.
5. **Case Management Conference.** A case management conference will be held on _____. At the conference, among other things, the court will address whether

it is appropriate to schedule a separate settlement conference, pursuant to Local Rule 16.1(F)(7).

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 30 days after service of the motion.

8. **Initial Pretrial Conference.** An initial pretrial conference will be held on _____ at _____ a.m./p.m. The parties shall prepare and submit a pretrial memorandum in accordance with Local Rule 16.5(D) five business days before the date of the conference, except that the parties need not include matters required by Local Rule 16.5(D)(2) or (3).

Procedural Provisions

- 1. **Extension of Deadlines.** Pursuant to Local Rule 16.1(G), motions to extend or modify scheduling order 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 the additional discovery, join other parties, amend the pleadings, or file a motion.
- 2. **Discovery Disputes.** In the court's experience, many discovery and case management disputes can be promptly resolved in a conference with the court and counsel. The court directs counsel to avail themselves of the following alternative to Local Rule 37.1 to resolve a discovery dispute: lead counsel should confer and agree on the scope and nature of the dispute. Counsel are then directed to (1)

submit a joint memorandum, no longer than two pages in length, describing the nature and scope of the dispute, *i.e.*, the need for the discovery, the basis for the objection to producing discovery, and any recommended resolution; and, (2) contact the Deputy Clerk to request a telephone status conference. The court will set a conference to occur within 48 hours, and will endeavor to resolve the dispute during the conference. The court may, in situations involving more substantive matters, direct counsel to file the appropriate motion for relief. Notwithstanding same, and 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 should refer to Local Rule 7.1(B)(3).
4. **Case Management Conferences.** The court has scheduled a case management conference after (or close to) the close of fact discovery for case management purposes. Any party who reasonably believes that a case management 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 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 must attend any pretrial conference.

By the Court,

Date

Deputy Clerk