

STANDING ORDER
Rule 16 Scheduling and Status Conferences
and
Follow-up Scheduling and Status Conferences
(Judge McCalla)

I. TELEPHONIC CONFERENCE

Since the first scheduling conference may be set before the defendant has been served or has appeared in the case, counsel for the plaintiff is responsible for notification of defendant of the setting of the first Rule 16(b) Conference. If plaintiff's counsel is unable to notify the defendant, then plaintiff's counsel shall, at least two (2) working days prior to the scheduled Rule 16(b) Conference, so notify the Court so that the conference can be rescheduled.

II. DUTY TO CONFER

Prior to each scheduling and/or status conference held pursuant to Fed. R. Civ. P. 16, counsel should consult regarding schedules for completion of discovery, filing of motions, trial and pretrial activities. Attached as Exhibit "A" to this standing order is a Form Rule 16(b) Scheduling Stipulation/Order which may be completed (and signed) in advance of the conference date. Also see Fed. R. Civ. P. Appendix of Forms, Form 35. Trial and pretrial dates may be obtained by the parties/counsel by telephone consultation with the Court's case manager.

III. ATTENDANCE

The attendance of all unrepresented parties and counsel for each represented party is required at the scheduling and/or status conference. Attendance may be by telephone or in person. Those desiring to attend by telephone should notify Chambers at least one (1) full business day in advance of the scheduled conference. Attendance at the scheduling conference is not required if a fully executed and completed Rule 16(b) Scheduling Stipulation, which proposes a schedule (including trial) within 14 months of the date on which the complaint was filed, is submitted to the Court. If the parties reach such a stipulation, said stipulation is to be submitted two (2) full business days in advance of the date set for the conference.

IV. INITIAL DISCLOSURE

In accordance with Fed. R. Civ. P. 26(f), the parties shall, at least 14 days prior to the scheduling conference, meet for discussions in accordance with Rule 26(f) and for the purpose of preparing a proposed discovery plan. Moreover, within 10 days of the 26(f) meeting (i.e. at least 4 days prior to the first scheduling conference), the parties ^[1] shall make disclosure pursuant to Rule 26(a)(1).

V. CONFERENCE LENGTH

It is anticipated that no conference shall last more than 15 minutes. These conferences are expected to be brief and may be conducted by a law clerk or other court personnel. If a longer conference is anticipated or desired, the parties should notify the court in writing, specifying the reasons for a longer conference and the total amount of time needed. If necessary, the conference will then be rescheduled.

VI. FILING OF MOTIONS

The appropriate method for communication with the Court is via written motion in accordance with the local rules.

SO ORDERED this ____ day of October 2002.

JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE

^[1] Except for parties in pro se prisoner litigation, social security appeals, and student loan collection litigation.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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

FORM
RULE 16(b) SCHEDULING STIPULATION/ORDER

I. Pursuant to Rule 16(b) a scheduling conference was held in this case on _____ (insert date). Present for the conference were (specify party represented):

II. Pursuant to Rule 26(f), the parties reported that initial disclosure as required by Rule 26(a)(1) was made by the plaintiff(s) on _____ (insert date) and by the defendant(s) on _____ (insert date).

EXHIBIT "A"

III. Pursuant to the scheduling conference, and in accordance with Rule 26(f) proposed discovery plan submitted by the parties, as amended, the following dates were established as the final dates for:

JOINING PARTIES: _____

INITIAL MOTIONS TO DISMISS: _____

AMENDING PLEADINGS: _____

COMPLETING ALL DISCOVERY: _____

(a) DOCUMENT PRODUCTION: _____

(b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS:

(c) EXPERT DISCLOSURE (Rule 26):

(1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: _____

(2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: _____

(d) RULE 26(e) SUPPLEMENTATION DUE: _____

(e) WITNESSES AND EXHIBITS UNDER RULE 26(a)(3):

(1) PLAINTIFF'S FINAL LISTS OF WITNESSES AND EXHIBITS UNDER RULE 26(a)(3) DUE:

(2) DEFENDANT'S FINAL LISTS OF WITNESSES AND EXHIBITS UNDER RULE 26(a)(3) DUE:

(f) PARTIES HAVE _____ DAYS AFTER SERVICE OF FINAL LISTS OF WITNESSES AND EXHIBITS TO LIST OBJECTIONS UNDER RULE 26(a)(3).

FILING PRETRIAL MOTIONS (INCLUDING MOTIONS FOR SUMMARY JUDGMENT) : _____

_____Settlement [is likely] [is unlikely] [cannot be evaluated prior to _____] [may be enhanced by use of the following alternative dispute resolution procedure: [_____]].

IV. This (jury/non-jury) trial is expected to last _____ days.

A. This case is SET FOR TRIAL at _____ .m. on _____, _____, 20____.

B. A pretrial conference will be held in this case at _____ .m on _____, _____, 20____.

C. A joint pretrial order shall be submitted no later than 5:00 p.m. on _____, _____, 20____. Any voir dire questions and proposed jury instructions shall be submitted by the parties on the date of submittal of the joint pretrial order.

V. The parties (consent/do not consent) to all matters being conducted by Magistrate Judge _____, including the conducting of a jury trial, if properly demanded, with any appeal of the verdict to be directly to the Sixth Circuit Court of Appeals, pursuant to 28 U.S.C. § 636(c).

VI. The parties [consent/do not consent] to the supervision by the assigned magistrate judge of attorney conducted voir dire and jury selection, subject to *de novo* review by the presiding district judge.

Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the Court.

Under Rule 30 and Rule 31 of the Federal Rules of Civil Procedure, no deposition shall exceed one (1) day of seven (7) hours in length, unless authorized by the Court. Each side is limited to ten (10) depositions unless additional depositions are authorized by the Court after a showing of good cause.

Under Rule 33 of the Federal Rules of Civil Procedure, no more than twenty-five (25) written interrogatories shall be served on a party unless authorized by the Court.

Stipulated by the parties this ____ day of _____,
20____.

Plaintiff Counsel:

Defense Counsel:

Adopted by the Court this ____ day of _____,
20____.

United States District Judge
[or U.S. Magistrate Judge]