

United States District Court
for the
Southern District of Florida

_____, Plaintiff)
v.) Civil Action No. 15-_____-Civ-Scola
_____, Defendants)

**Order Requiring Discovery And Scheduling Conference And
Order Referring Discovery Matters To The Magistrate Judge**

THIS MATTER is before the Court upon an independent review of the record. It is **ordered and adjudged** as follows:

1. The Plaintiff must forward a copy of this Order to every Defendant immediately upon the filing of a response to the complaint by a Defendant in this case. If a Defendant has removed this action from state court, the removing Defendant must immediately forward a copy of this Order to every party who has made an appearance in the state court action. Any party with a pending motion in the state-court action *must* separately refile the motion in this Court or the Court will not consider the motion.

2. Within 21 days of the filing of a response to the complaint by a Defendant in this matter, the parties must meet and confer regarding discovery and scheduling issues, as set out in Federal Rule of Civil Procedure 26(f) and Local Rule 16.1(b). If this case was removed from state court, the parties' discovery and scheduling conference must occur within 21 days of this Order.

3. Within 14 days of the parties' discovery and scheduling conference, the parties must file a joint discovery plan and conference report, as set forth in Federal Rule of Civil Procedure 26(f)(3) and Local Rule 16.1(b)(2). The parties should note that Federal Rule of Civil Procedure 26(f)(3)(B) and Local Rule 16.1(b)(C) requires the joint discovery plan and conference report to state the parties' proposed time limit to complete discovery.

4. The parties do not need to submit a joint proposed scheduling order pursuant to Local Rule 16.1(b)(3). Instead, the parties must inform the Court, in their discovery plan and conference report, which case track they believe this case should be assigned pursuant to Local Rule 16.1(a) and the proposed time limit to complete discovery. In reporting this information, the parties should refer to the scheduling timelines set forth in Attachments "A" and "B" to this Order. Attachment "A" should be used if the parties believe the case is straight-forward and may benefit from an expedited scheduling track. In most other cases, the standard scheduling track in Attachment "B" should be used. If the parties believe that this case is uniquely complex and requires more time

the parties must set out the reasons justifying a more protracted schedule along with a proposed schedule of trial and pretrial deadlines.

5. Magistrate Judge Referral. By virtue of 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the Court **refers** all discovery motions in this case to Magistrate Judge Alicia M. Otazo-Reyes to take all necessary and proper action as required by law.

6. Settlement Conference Before Magistrate Judge. The parties may, at any time, file a motion requesting a settlement conference before Magistrate Judge Alicia M. Otazo-Reyes. The Court encourages the parties to consider a confidential settlement conference with Judge Otazo-Reyes, especially if the parties believe there is a meaningful chance of reaching an early, amicable resolution of their dispute.

7. Discovery Motion Procedures. Discovery motions (which must contain the Local Rule 7.1(a)(3) certification of good-faith conference) will be handled on an **expedited briefing schedule** and with a **shortened page limitation**, to prevent delay to the pretrial schedule. The parties must file responses and replies to discovery motions no later than seven days after a motion, or response, is filed. These deadlines are inclusive of the “mailing” days allotted by the Federal and Local Rules. Any contrary deadlines that may appear on the Court’s docket or the attorneys’ deadline report, generated by CM/ECF, cannot modify this Order.

Any discovery motion and response, including the incorporated memorandum of law, may not exceed 10 pages. Any reply memoranda may not exceed five pages. Also, the parties should note that Federal Rule of Civil Procedure 29 permits parties to stipulate to extend the time for responding to interrogatories, requests for production, or requests for admissions, unless such extension would interfere with the deadline set for completing discovery, for hearing a motion, or for trial.

Attachment “A”: Example Scheduling Timeline For Expedited Track Cases

weeks after entry of the scheduling order	
4 weeks	Deadline to join additional parties or to amend pleadings.
9 weeks	Deadline to file joint interim status report. Deadline to file Proposed Order Scheduling Mediation, setting forth the name of the mediator, and the date, time, and location of the mediation, consistent with the Order of Referral to Mediation (which immediately follows this scheduling order).
14 weeks	Deadline to complete all fact discovery. Deadline to submit joint notice indicating whether the parties consent to jurisdiction before the designated magistrate judge for purposes of final disposition. Deadline to exchange expert witness summaries/reports pursuant to Federal Rule of Civil Procedure 26(a)(2). Rebuttal disclosures are permitted, and must conform to the deadline set forth in Federal Rule of Civil Procedure 26(a)(2)(D)(ii).
16 weeks	Deadline for the filing of all dispositive motions.
18 weeks	Deadline to complete mediation, consistent with the Order of Referral to Mediation (which immediately follows this scheduling order).
21 weeks	Deadline to complete all expert discovery.
8 weeks BEFORE calendar call	Deadline for the filing of pretrial motions, including motions in limine and <i>Daubert</i> motions.
4 weeks BEFORE the trial date	Deadline to file joint pretrial stipulation pursuant to Local Rule 16.1(e) and pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(3).
2 weeks BEFORE the trial date	Deadline to file proposed jury instructions (if the matter is set for a jury trial) or proposed findings of fact and conclusions of law (if the matter is set for a bench trial) pursuant to Local Rule 16.1(k).
33 weeks (approximate)	Two-week trial period commences (calendar call will be scheduled on the Tuesday before the trial period)

Attachment “B”: Example Scheduling Timeline For Standard Track Cases

weeks after entry of the scheduling order	
5 weeks	Deadline to join additional parties or to amend pleadings.
14 weeks	Deadline to file joint interim status report.
25 weeks	Deadline to file Proposed Order Scheduling Mediation, setting forth the name of the mediator, and the date, time, and location of the mediation, consistent with the Order of Referral to Mediation (which immediately follows this scheduling order).
31 weeks	<p>Deadline to complete all fact discovery.</p> <p>Deadline to submit joint notice indicating whether the parties consent to jurisdiction before the designated magistrate judge for purposes of final disposition.</p> <p>Deadline to exchange expert witness summaries/reports pursuant to Federal Rule of Civil Procedure 26(a)(2). Rebuttal disclosures are permitted, and must conform to the deadline set forth in Federal Rule of Civil Procedure 26(a)(2)(D)(ii).</p>
33 weeks	Deadline for the filing of all dispositive motions.
35 weeks	Deadline to complete mediation, consistent with the Order of Referral to Mediation (which immediately follows this scheduling order).
40 weeks	Deadline to complete all expert discovery.
8 weeks BEFORE calendar call	Deadline for the filing of pretrial motions, including motions in limine and <i>Daubert</i> motions.
4 weeks BEFORE the trial date	Deadline to file joint pretrial stipulation pursuant to Local Rule 16.1(e) and pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(3).
2 weeks BEFORE the trial date	Deadline to file proposed jury instructions (if the matter is set for a jury trial) or proposed findings of fact and conclusions of law (if the matter is set for a bench trial) pursuant to Local Rule 16.1(k).
49 weeks (approximate)	Two-week trial period commences (calendar call will be scheduled on the Tuesday before the trial period)