

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

NO. 84-06-Misc.-Civ.

ORDER AMENDING LOCAL RULE 14

Upon consideration, and in accordance with the provisions of Fed. R. Civ. P. 16(b), as amended, Rule 14 of the Local Rules of this district is hereby amended as follows:

I. Current Local Rule 14A, B, C, D, E, F, G, H, I, J, and K shall be hereafter designated Rule 14B, C, D, E, F, G, H, I, J, K and L, respectively.

II. The following amendment to the rule shall be hereafter designated Rule 14A:

"A. SCHEDULING CONFERENCE AND ORDER. Within twenty (20) days after the filing of an answer by the last answering defendant, or within ninety (90) days after the filing of a complaint (whichever shall first occur) in all civil actions, except those specifically excluded by subpart 9 of this subsection, counsel for the parties (or the party if proceeding pro se) shall meet in person, by telephone, or by other comparable means, for the following purposes:

"1. Documents - To exchange all documents then reasonably available to a party which are then contemplated to be used in support of the allegations of the pleading filed by the party. Documents later shown to have been reasonably available to a party and not exchanged may be subject to exclusion at time of trial.

"2. Discovery Schedule - To agree upon a preliminary schedule for all discovery in the matter.

"3. Other Evidence - To exchange any other evidence then reasonably available to obviate the filing of unnecessary discovery motions.

"4. List of Witnesses - To Exchange a list of witnesses then known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. The parties shall thereafter be under a continuing obligation to advise opposing parties of other witnesses as they become known.

"5. Settlement - To discuss, in good faith, settlement of the action.

"6 Complicated Case - To discuss whether the action is sufficiently complicated so that all or part of the procedures of the Manual on Complex Litigation should be used. Counsel may propose to the Court modifications of the procedures in the Manual to facilitate the management of a particular action.

"7. Report and Proposed Order - Within ten (10) days after the meeting held pursuant to this subsection, those attending are mutually obligated to file a joint Report of Scheduling Meeting setting forth: (a) a detailed schedule of discovery for each party; (b) discussion of the likelihood of settlement; (c) discussion of the likelihood of appearance in the action of additional parties; (d) a preliminary estimate of the time required for trial; and (e) any other information that might be helpful to the Court in setting the case for status or pretrial conference.

In addition, the Report shall be accompanied by a Joint Proposed Scheduling Order incorporating the detailed discovery schedule agreed to by the parties; a limitation on the time to join additional parties and to amend the pleadings; a limitation on the time to file all pretrial motions; any proposed use of the Manual on Complex Litigation; and any other matters which the parties might want jointly to propose.

"8. Notice of Requirement - Counsel for plaintiff, or plaintiff if proceeding pro se, shall be responsible for giving notice of the requirements of this subsection to each defendant or counsel for each defendant as soon as practicable after such defendant's first appearance.

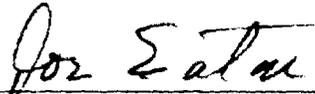
"9. Exempt Actions - The following types of cases are exempt from the requirements of this subsection: (a) Cases filed in or removed to this Court on or before December 31, 1983; (b) Habeas Corpus cases; (c) Motions to vacate sentence under 28 U.S.C. Section 2255; (d) Social Security cases; (e) Foreclosure matters; (f) Civil forfeiture actions; (g) IRS summons enforcement actions; (h) Bankruptcy proceedings, including appeals and adversary proceedings; (i) Land condemnation cases; (j) Default proceedings; (k) Student loan cases; (l) VA loan overpayment cases; (m) Naturalization proceedings filed as civil actions; (n) Cases seeking review of administrative agency action; (o) Statu-

tory interpleader actions; (p) Truth-in-Lending Act cases not brought as class actions; (q) Interstate Commerce Act cases (freight charges, railway freight claims, etc.); (r) Labor Management Relations Act and ERISA actions seeking recovery of unpaid employee welfare benefit and pension funds; and (s) any other case expressly exempted by Court order."

The amendment made by this Order shall become effective immediately.

DONE and ORDERED at Miami, Southern District of Florida,  
this 6 day of February, 1984.

FOR THE COURT



CHIEF UNITED STATES DISTRICT JUDGE