Provided by CourtAlert www.CourtAlert.com

Revised March 10, 2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

[PLAINTIFF],

Plaintiff(s),

against

[DEFENDANT],

Defendant(s).

CIVIL ACTION NO.: ___ Civ. ___ ( ) (SLC)

REPORT OF RULE 26(f) CONFERENCE AND PROPOSED CASE MANAGEMENT PLAN

In accordance with Federal Rule of Civil Procedure 26(f) and Judge Cave's Individual Practices, the parties met on _____ [at least one week before the Initial Case Management Conference] and exchanged communications thereafter. At least one week before the Initial Case Management Conference, the parties now submit the following report for the Court's consideration:

1. Court Expectations:

Rule 1 and Rule 26(b)(1). Counsel are expected to have reviewed Rule 1 and Rule 26(b)(1) and considered their obligations thereunder in discussing and preparing a discovery plan.

Additional consideration of proportionality. Counsel shall discuss and consider whether phased or iterative discovery will increase efficiency, reduce costs and lead to a faster resolution of the case when preparing a discovery plan.

Document Requests. Counsel shall be fully familiar with their obligations under Rules 34 and 26(g) and consider and discuss ways to ensure compliance and minimize disputes regarding overbreadth and specificity of requests and responses.

Competence. Counsel shall be sufficiently knowledgeable in matters relating to their clients' technological systems to discuss competently issues relating to electronic discovery, or have involved someone competent to address these issues on their behalf.

Counsel are directed to the Model Confidentiality Stipulation and Proposed Protective Order on Judge Cave's Individual Practices Page.

Counsel represent by their signature below that they have read and will comply with the above.

Provided by CourtAlert www.CourtAlert.com

2. Summary of Claims, Defenses, and Relevant Issues:

Plaintiff:

Defendant:

3. Basis of Subject Matter Jurisdiction (and any dispute as to jurisdiction):

4. Subjects on Which Discovery May Be Needed:

Plaintiff:

Defendant:

5. Informal Disclosures:

Plaintiff[s] disclosed the information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure on _____. On _____, Plaintiff[s] [produced/will produce] an initial set of relevant documents identified in [its/their] Initial Disclosures and will continue to supplement [its/their] production.

Defendant[s] disclosed the information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure on _____. On _____, Defendant[s] [produced/will produce] an initial set of relevant documents identified in [its/their] Initial Disclosures and will continue to supplement [its/their] production.

Provided by CourtAlert www.CourtAlert.com

6. Discovery Plan:

The parties jointly propose to the Court the following discovery plan:

A. All fact discovery must be completed by _____.

B. The parties will conduct discovery in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York and Judge Cave's Individual Practices. The following interim deadlines may be extended by the parties on written consent without application to the Court, **provided that** the parties meet the deadline for completing fact discovery set forth in paragraph 6(a) above.

i. Depositions: Depositions shall be completed by _____ and limited to no more than _____ depositions per party. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.

ii. Interrogatories: Initial sets of interrogatories shall be served on or before _____. All subsequent interrogatories must be served no later than 30 days before the fact discovery deadline.

iii. Requests for Admission: Requests for admission must be served on or before_____, and in any event no later than 30 days before the fact discovery deadline.

iv. Requests for Production: Initial requests for production were/will be exchanged on _____ and responses shall be due on _____. All subsequent requests for production must be served no later than 30 days before the discovery deadline.

v. Supplementation: Supplementations under Rule 26(e) must be made within a reasonable period of time after discovery of such information, and in any event, no later than the fact discovery deadline.

7. **Anticipated Discovery Disputes:**

Describe any anticipated discovery disputes or proposed limitations on discovery.

8. **Amendments to Pleadings:**

a. Does any party anticipate amending the pleadings? _____.

b. Last date to amend any pleading is _____.

9. **Expert Witness Disclosures:**

a. Does any party anticipate utilizing experts? _____.

b. Expert discovery shall be completed by _____.

10. **Electronic Discovery and Preservation of Documents and Information:**

a. Have the parties discussed discovery of electronically stored information (ESI)?

b. Is there an ESI discovery protocol in place? If not, the parties expect to have one in place by _____.

c. Are there issues the parties would like to address concerning preservation of evidence and/or ESI discovery at the Initial Case Management Conference?

11. **Anticipated Motions:**

12. **Early Settlement or Resolution:**

The parties have/have not (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than _____. The following information is needed before settlement can be discussed:

Provided by CourtAlert www.CourtAlert.com

13. Trial:

a. The parties anticipate that this case will be ready for trial by _____.

b. The parties anticipate that the trial of this case will require _____ days.

c. The parties do/do not (circle one) consent to a trial before a Magistrate Judge at this time.

d. The parties request a jury/bench (circle one) trial.

14. Other Matters:

a. **Fed. R. Evid. 502(d)**. The disclosure of documents or information (electronic or otherwise) subject to the attorney-client privilege, the work product doctrine, or other privilege or immunity from production shall not operate as a waiver of that privilege or immunity in this case or in any other federal or state proceeding. This paragraph shall be interpreted to provide the maximum protection permitted by Fed. R. Evid. 502(d).

Respectfully submitted this ____ day of _____.

ATTORNEYS FOR PLAINTIFF(S):

_____

ATTORNEYS FOR DEFENDANT(S):

_____

Dated: New York, New York
_____, 20__

SO ORDERED

_____
SARAH L. CAVE
United States Magistrate Judge