

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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\*\*\*,

Case No. \*\*-cv-\*\*\*\*\*-\*\*\* -KMM

Plaintiff,

**RULE 26(f) REPORT  
[TEMPLATE]**

v.

\*\*\*,

Defendant.

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The parties/counsel identified below conferred as required by Fed. R. Civ. P. 26(f) and the Local Rules on \_\_\_\_\_ and prepared the following report.

The initial pretrial conference required under Fed. R. Civ. P. 16 and LR 16.2 is scheduled for \_\_\_\_\_, 20\_\_, before the United States Magistrate Judge Kate Menendez in Courtroom 8E of the U.S. Courthouse in Minneapolis, Minnesota.

This Report is based on Form 3 in the Local Rules, but is customized with additional topics.

Counsel have reviewed the amendments to the Federal Rules of Civil Procedure effective December 1, 2015, and are familiar with the amendments.

**DESCRIPTION OF THE CASE**

1. Concise factual summary of plaintiff's claims:
2. Concise factual summary of defendant's claims/defenses:
3. Statement of jurisdiction (including statutory citations):
4. Summary of factual stipulations or agreements:
5. Statement of whether a jury trial has been timely demanded by any party:

6. Statement as to whether the parties agree to resolve the matter under the Rules of Procedure for Expedited Trials of the United States District Court, District of Minnesota, if applicable:
7. Statement as to whether all process has been served, all pleadings filed and any plan for any party to amend pleadings or add additional parties to the action:

## **FACT DISCOVERY**

Having conferred about the unique needs of this case, and mindful of the goal of efficiency, the parties recommend that the Court establish the following fact-discovery deadlines and limitations:

1. The parties must make their initial disclosures under Fed. R. Civ. P. 26(a)(1) on or before \_\_\_\_\_. If the parties plan to disclose documents by a description by category and location of documents, they will exchange copies of initial disclosure documents on or before \_\_\_\_\_.
2. The parties must commence fact discovery in time to be completed by \_\_\_\_\_. The parties will discuss whether a date for the substantial production of documents should be set within the fact-discovery period to facilitate the taking of depositions.
3. The parties have discussed the scope of discovery, including relevance and proportionality, and propose that the Court limit each side's use and numbers of discovery procedures as follows:
  - a. \_\_\_ interrogatories
  - b. \_\_\_ document requests

The parties understand that objections to document requests must meet the requirements of amended Rule 34(b)(2)(B). If the responding party is producing copies of documents or copies of electronically stored information and the copies are not produced with the responses, another reasonable time must be specified in the response. If the requesting party disagrees that this is

reasonable, the parties must meet and confer to agree on the timetable for production.

c. \_\_\_ requests for admission

The parties have discussed a protocol for the authentication of documents and agree on the following:

d. \_\_\_ factual depositions

e. The parties have discussed the taking of depositions pursuant to Rule 30(b)(6) and present the following agreement:

f. \_\_\_ Rule 35 medical examinations, which will be completed by \_\_\_\_\_

g. \_\_\_ other

## **EXPERT DISCOVERY**

1. The parties anticipate that they [**will/will not**] require expert witnesses at the time of trial.
  - a. The plaintiff anticipates calling \_\_\_\_\_ (number) experts in the fields of: \_\_\_\_\_
  - b. The defendant anticipates calling \_\_\_\_\_ (number) experts in the fields of: \_\_\_\_\_
2. The parties propose that the Court establish the following plan for expert discovery:
  - a. Initial experts
    - i. The identity of any expert who may testify at trial regarding issues on which the party has the burden of persuasion must be disclosed on or before \_\_\_\_\_
    - ii. The initial expert written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before \_\_\_\_\_

- b. Rebuttal experts
  - i. The identity of any experts who may testify in rebuttal to any initial expert must be disclosed on or before \_\_\_\_\_
  - ii. Any rebuttal expert's written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before \_\_\_\_\_
- 3. All expert discovery, including expert depositions, must be completed by \_\_\_\_\_

## **OTHER DISCOVERY ISSUES**

### 1. Protective Order

The parties have discussed whether they believe that a protective order is necessary to govern discovery and jointly submit a **[proposed protective order/report identifying any areas of disagreement]**.

(The parties are encouraged, though not required, to use protective order template available on the District's website as a template for a proposed protective order.)

### 2. Discovery of Electronically Stored Information

The parties have discussed the scope of electronic discovery, including relevance and proportionality, and any issues about preserving electronic discovery. The parties have also discussed the form or forms in which electronic discovery should be produced. They inform the Court of the following agreements or issues: \_\_\_\_\_

The Court refers counsel to "Discussion of Electronic Discovery at Rule 26(f) Conferences: A Guide for Practitioners," developed by the Federal Practice Committee, to help attorneys and parties prepare for a meaningful discussion of electronic discovery issues early in the litigation. The Guide is available on the Court's website under the Court Forms tab, in the "Pretrial, Discovery, and Trial Forms" section.

The parties will further meet and confer by \_\_\_\_\_ to discuss their plan or formal protocol for electronic discovery. They agree to present any disputes regarding an electronic discovery plan and protocol to the Court by \_\_\_\_\_

3. Claims of Privilege or Protection

The parties have discussed issues regarding the protection of information by a privilege or the work-product doctrine, as required by Fed. R. Civ. P. 26(f)(3)(D). This discussion included whether the parties agree to a procedure to assert these claims after production or have any other agreements under Fed. R. Evidence 502. The parties:

- a. Request the Court to include the following agreement in the scheduling order \_\_\_\_\_; or
- b. Will include their agreement in the proposed Protective Order

4. The parties:

- Agree that a party should be required to request an informal conference with the Court before filing any discovery motion;
- Agree that a party should not be required to request an informal conference with the Court before filing a discovery motion; or
- Do not agree whether a party should be required to request an informal conference with the Court before filing a discovery motion

Before moving for an order relating to discovery, the movant must request a conference with the Court by calling Wendi Tilden, Courtroom Deputy/Judicial Assistant to Magistrate Judge Menendez, at 612-664-5140

**PROPOSED MOTION SCHEDULE**

The parties propose the following deadlines for filing motions:

- 1. Motions seeking to join other parties must be filed and served by \_\_\_\_\_

2. Motions seeking to amend the pleadings must be filed and served by \_\_\_\_\_
3. Non-dispositive motions:
  - a. All non-dispositive motions relating to fact discovery must be filed and served by \_\_\_\_\_
  - b. All other non-dispositive motions, including motions relating to expert discovery, must be filed and served by \_\_\_\_\_

The parties must meet and confer to resolve all discovery disputes and other non-dispositive issues prior to filing any motions.

4. All dispositive motions must be filed, served, and heard by \_\_\_\_\_

### **TRIAL-READY DATE**

1. The parties agree that the case will be ready for trial on or after \_\_\_\_\_
2. The anticipated length of the [**select one – bench/jury**] trial is \_\_\_**days**
3. The parties propose that the final pretrial conference be held on or before \_\_\_\_\_

### **INSURANCE CARRIERS/INDEMNITORS**

List all insurance carriers/indemnitors, including limits of coverage of each defendant or statement that the defendant is self-insured:

### **SETTLEMENT**

The parties discussed settlement [**before/at**] the Rule 26(f) meet-and-confer and each party has contemporaneously e-mailed a confidential letter setting forth what settlement discussions have taken place and whether the party believes an early settlement conference would be productive, as provided in Magistrate Judge Menendez's Notice of Pretrial Conference.

## TRIAL BY MAGISTRATE JUDGE

The parties [**have/have not**] agreed to consent to jurisdiction by the Magistrate Judge under 28 U.S.C. § 636(c). (If the parties agree to consent, file the consent with the Rule 26(f) Report.)

DATE: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff's Counsel

License #

Address

Phone #

DATE: \_\_\_\_\_

\_\_\_\_\_  
Defendant's Counsel

License #

Address

Phone #