

**RULE 26(f) REPORT AND PROPOSED SCHEDULING ORDER (Non-Patent Cases)**

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Name of Plaintiff,

Plaintiff,

v.

Name of Defendant,

Defendant.

CIVIL FILE NO. \_\_\_\_\_

RULE 26(f) REPORT

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 \_\_\_\_\_ in Room \_\_\_\_\_, of the U.S. Courthouse in, \_\_\_\_\_, Minnesota. The parties [request/do not request] that the pretrial be held by telephone.

(a) 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:

(b) Pleadings.

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:

(c) Fact Discovery.

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 \_\_\_\_\_.
- (2) The parties must complete any physical or mental examinations under Fed. R. Civ. P. 35 by \_\_\_\_\_.
- (3) The parties must commence fact discovery procedures in time to be completed by \_\_\_\_\_.
- (4) The parties propose that the Court limit the use and numbers of discovery procedures as follows:
  - (A) \_\_\_\_\_ interrogatories;
  - (B) \_\_\_\_\_ document requests;
  - (C) \_\_\_\_\_ factual depositions;
  - (D) \_\_\_\_\_ requests for admissions;
  - (E) \_\_\_\_\_ Rule 35 medical examinations; and
  - (F) \_\_\_\_\_ other.

(d) 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 must be completed by \_\_\_\_\_.

(e) 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 areas of disagreement].

(The parties are encouraged, though not required, to use Form 6 as a template for a proposed protective order.)

(2) Discovery of Electronically Stored Information. The parties have discussed disclosure, discovery, and preservation of electronically stored information, including the form in which it should be produced. The parties have reached the following agreements and identified the following issues:

(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), including 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 request the Court to include the following agreement in the scheduling order:

(4) The parties:

agree that a party should be required to request an informal conference with the Court before filing a 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.

(f) 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) All other non-dispositive motions must be filed and served by \_\_\_\_\_.
- (4) All dispositive motions must be filed and served by \_\_\_\_\_.

(g) Trial-Ready Date.

- (1) The parties agree that the case will be ready for trial on or after \_\_\_\_\_.
- (2) The parties propose that the final pretrial conference be held on or before \_\_\_\_\_.

(h) Insurance Carriers/Indemnitors.

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

(i) Settlement.

- (1) The parties will discuss settlement before the initial pretrial conference, by the plaintiff making a written demand for settlement and each defendant making a written response/offer to the plaintiff's demand.
- (2) The parties propose that a settlement conference be scheduled to take place before \_\_\_\_\_.
- (3) The parties have discussed whether alternative dispute resolution will be helpful to the resolution of this case and recommend the following:

(j) 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 #