

**PROPOSED DISCOVERY PLAN/SCHEDULING ORDER**

|   | DONE | NOT<br>APPLICABLE | DATE |
|---|------|-------------------|------|
| <b>A. ACTIONS REQUIRED <u>BEFORE</u> THE INITIAL CONFERENCE</b>   |      |                   |      |
| 1. Rule 26(f) Conference held   |      |                   |      |
| 2. Rule 26(a)(1) disclosures exchanged  |      |                   |      |
| 3. Requested:   |      |                   |      |
| a. Medical records authorization  |      |                   |      |
| b. CPL § 160.50 releases for arrest records   |      |                   |      |
| c. Identification of John Doe/Jane Doe defendants   |      |                   |      |
| 4. Procedures for producing Electronically Stored Information (ESI) discussed   |      |                   |      |
| 5. Confidentiality Order to be submitted for court approval (see form Confidentiality Order on the Chambers website)  |      |                   |      |
| <b>B. SETTLEMENT PLAN</b>   |      |                   |      |
| 1. Plaintiff to make settlement demand  |      |                   |      |
| 2. Defendant to make settlement offer   |      |                   |      |
| 3. Referral to EDNY mediation program pursuant to Local Rule 83.8? (If yes, enter date for mediation to be completed) |      |                   |      |
| 4. Settlement Conference (proposed date)  |      |                   |      |
| <b>C. PROPOSED DEADLINES</b>  |      |                   |      |
| 1. Motion to join new parties   |      |                   |      |
| 2. Motion to amend pleadings  |      |                   |      |
| 3. Initial documents requests and interrogatories   |      |                   |      |
| 4. All fact discovery to be completed (including disclosure of medical records)                                       |      |                   |      |
| 5. Joint status report certifying close of fact discovery and indicating whether expert discovery is needed           |      |                   |      |

|  |             |   |   |
|--|-------------|---|---|
| 6. Expert discovery (only if needed)   |             | Check here if not applicable <input type="checkbox"/> |   |
| Plaintiff expert proposed field(s) of expertise:   |             |   |   |
| Defendant expert proposed field(s) of expertise:   |             |   |   |
|  | <b>DONE</b> | <b>NOT APPLICABLE</b>                                 | <b>DATE</b>   |
| a. Affirmative expert reports due  |             |   |   |
| b. Rebuttal expert reports due   |             |   |   |
| c. Depositions of experts to be completed  |             |   |   |
| 7. Completion of ALL DISCOVERY (if different from C.4)   |             |   |   |
| 8. Joint status report certifying close of ALL DISCOVERY and indicating whether dispositive motion is anticipated  |             |   |   |
| 9. If any party seeks a <b>dispositive motion</b> , date to<br>a. file request for pre-motion conference (if required), or<br>b. file briefing schedule for the motion |             |   |   |
| 10. Proposed Joint Pre-Trial Order due (if no dispositive motion filed)  |             |   |   |
| <b>D. CONSENT TO MAGISTRATE JUDGE JURISDICTION</b>   |             |   |   |
| 1. All parties consent to Magistrate Judge jurisdiction for dispositive motions?   |             |   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| 2. All parties consent to Magistrate Judge jurisdiction for trial?   |             |   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>E. COLLECTIVE ACTION AND CLASS ACTION MOTIONS ONLY</b>  |             |   |   |
| 1. Motion for collective action certification in FLSA cases  |             |   |   |
| a. Response due  |             |   |   |
| b. Reply due   |             |   |   |
| 2. Motion for Rule 23 class certification  |             |   |   |
| a. Response due  |             |   |   |
| b. Reply due   |             |   |   |

**This Scheduling Order may be altered or amended only upon a showing of good cause based on circumstances not foreseeable as of the date of this order.**

SO ORDERED:

\_\_\_\_\_  
**CLAY H. KAMINSKY**  
United States Magistrate Judge

\_\_\_\_\_  
**Date**