

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

Plaintiff(s),

v.

Defendant(s).

----- X

Docket No.

____-CV-_____

(____)(PCG)

DISCOVERY PLAN AND [PROPOSED] SCHEDULING ORDER

Upon consent of the parties, it is hereby ORDERED as follows:

I. Case Management Schedule

Event	Proposed Deadline <i>(Write "Complete" if done or "N/A" if not applicable)</i>
Exchange of Fed R. Civ. P. 26(a)(1) disclosures <i>(Presumptively on or before the initial conference)</i>	
Exchange of initial interrogatories and document requests <i>(Presumptively on or before the initial conference)</i>	
Amendment of pleadings absent leave of the Court	
Joinder of additional parties	

Completion of fact discovery <i>(Presumptively no more than 90-150 days after the initial conference)</i>	
Service of Plaintiff(s) expert disclosures	
Service of Defendant(s) expert disclosures	
Completion of all discovery, including depositions <i>(Presumptively no later than 9 months after the initial conference)</i>	
Deadline to initiate dispositive motion practice <i>(Unless the parties consent to Judge Cross-Goldenberg, this date must be consistent with the assigned District Judge's Individual Practices and Rules)</i>	

II. Other Matters Addressed During Parties' Rule 26(f) Conference

- The parties propose that the Court hold a settlement conference or refer the case to the EDNY's Court-annexed mediation program pursuant to Local Civil Rule 83.8 at the following point in discovery (e.g. as soon as possible, prior to depositions, after depositions of the parties, prior to expert discovery, etc.):

Check all that apply:

- ☐ Parties request a settlement conference with the Court
 - ☐ Parties request a referral to Court-annexed Mediation
 - ☐ Parties intend to pursue a private mediation or arbitration
- Have the parties discussed the existence of **electronically stored information (ESI)** and discussed the location and production of such information, as required by Fed. R. Civ. P. 26? ☐ Yes ☐ No
 - Have the parties agreed to an **ESI protocol**? ☐ Yes ☐ No ☐ Not applicable
 - Have the parties discussed issues and reached agreement about how they will handle **claims of privilege or protection as trial preparation materials**?
☐ Yes ☐ No

5. If the parties are requesting that the Court issue any additional discovery related orders, including any proposed order related to the timing and method for complying with Rule 26(b)(5)(A) or asserting claims of privilege or protection as trial preparation materials after information is produced, please detail those requests below (adding additional rows if necessary):

Description of Proposed Order with Relevant Authority	Proposed Language

6. The parties are asked to discuss the **option to consent to Judge Cross-Goldenberg for all purposes** pursuant to 28 U.S.C. Section 636(c). Either or both parties may withhold consent without adverse consequences. If the parties agree to consent to Judge Cross-Goldenberg, they are encouraged file the consent form (available at <https://www.nyed.uscourts.gov/sites/default/files/uploads/mjconsentform.pdf>) prior to the initial conference. Check one of the options below:

☐ The parties have discussed the option and **all parties consent**. The parties will file the [consent form](#) prior to the initial conference.

☐ The parties have discussed the option and one or more parties **do not consent** at this time.¹

¹ As a reminder, for cases assigned directly to Judge Cross-Goldenberg under the Eastern District of New York's [Direct Assignment Program](#), the parties must file an [acknowledgement form](#) within seven days of the initial conference if they do not consent.

The dates proposed in this Scheduling Order may be altered or amended only upon a showing of good cause not foreseeable as of the date of this order.

CONSENTED BY:

Attorney for Plaintiff	Attorney for Defendant(s)
Name:	Name:
Address:	Address:
Telephone:	Telephone:
Email:	Email:

SO ORDERED:

Dated: Brooklyn, New York

PEGGY CROSS-GOLDENBERG
United States Magistrate Judge