UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

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| * – – – – – – – – – – – – – – – –– – – – – – – – – – – – X   ,  Plaintiff(s),  v.  ,  Defendant(s).   * – – – – – – – – – – – – – – – –– – – – – – – – – – – – X | Docket No.  \_\_\_\_-CV-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (\_\_\_\_\_)(SDE) |

# Discovery Plan and Proposed Scheduling Order

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

1. Date for exchange of **automatic disclosures required by Fed. R. Civ. P. 26(a)(1)**:   
     
      
   (*Presumptively on or before the date of the initial conference absent good cause*)
2. No **amendment of the pleadings** will be permitted after absent leave of the Court.
3. No **additional parties** may be joined after:
4. **Fact discovery** shall be completed by:   
   (*Presumptively 90 to 150 days after the initial conference absent special circumstances.*)
5. **Plaintiff(s)’ expert disclosures** shall be served by:

1. **Defendant(s)’ expert disclosures** shall be served by:
2. **All discovery**, including expert discovery,shall be completed by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(*Includes all expert discovery and expert depositions; Presumptively 30 days following the completed exchange of expert reports and no more than 240 days after the initial conference absent special circumstances*)

1. Parties will take the first step in dispositive motion practice or, if neither party makes a dispositive motion, file a joint pre-trial order no later than:

.   
(*Unless the parties have consented to Judge Eichenholtz, the date must be consistent with the presiding District Judge’s rules*)

1. 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 \_\_\_\_\_\_\_\_\_\_\_
2. Have the parties agreed to an **ESI protocol**? Yes No Not Applicable
3. Have the parties discussed issues about how they will handle **claims of privilege or protection as trial preparation materials** when documents are already produced? Yes\_\_\_\_\_\_\_\_ No \_\_\_\_\_\_\_\_\_\_
4. The parties propose that the Court should hold a settlement conference at the following point in discovery (e.g. prior to depositions, after depositions of the parties, prior to expert discovery,etc.):   
     
   \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. Do the parties wish to be referred to the EDNY’s Court-annexed mediation program pursuant to Local Civil Rule 83.8? Yes No
6. Do the parties consent to jurisdiction before United States Magistrate Judge Seth D. Eichenholtz pursuant to 28 U.S.C. § 636(c)? Yes No   
   (*Answer “no” if any party declines to consent without indicating which party has declined*)
7. If the parties are requesting that the Court issue any additional discovery related orders specific to their case, please detail those requests below:

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1. Parties are expected to be familiar with Judge Eichenholtz’s rules regarding settlement conferences, which set forth important deadlines, some as far as two weeks ahead of the conference. The settlement conference will not be adjourned with less than seven (7) days’ notice absent extraordinary circumstances. Attorneys are required to bring their client or, where a client is not an individual, an individual with full settlement authority to the conference. If travel or other factors make an in-person appearance impractical, an attorney may request leave at least seven (7) days in advance of the conference to have that individual available by phone for the duration of the settlement conference.

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

# SETH D. EICHENHOLTZ

United States Magistrate Judge