

Form 4

Joint Discovery and Case Management Plan

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Plaintiff,	§	CIVIL ACTION NO.
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
Defendant.	§	

JOINT DISCOVERY AND CASE MANAGEMENT PLAN

Restate each instruction in bold and furnish the requested information.

1. State where and when the parties held the meeting required by Rule 26(f). Identify the counsel who attended for each party.
2. List all related cases pending in any other state or federal court. Identify the court and case number. State the relationship.
3. Briefly describe what this case is about. Generally state the claims, defenses, and threshold issues that each party will likely assert.
4. Specify the basis of federal jurisdiction. Identify any parties who disagree and the reasons.
5. List any anticipated additional parties. Identify the party who wishes to add them, briefly explain why, and indicate a date by which to do so.
6. List any anticipated interventions. Briefly explain why.

7. Describe any class-action or collective-action issues. Provide the proposed definition of the class. Identify and state generally the basis for any opposition.
8. State whether each party represents that it has completed its Rule 26(a) initial disclosures. If not, indicate the date by which each party will do so and describe arrangements in that respect.
9. Apart from initial disclosures, specify other discovery served or accomplished to date.
10. Describe the proposed agreed discovery plan. At a minimum, include:
 - a. Responses to all the matters raised in Rule 26(f), including agreements reached concerning electronic discovery and any disputed issues relating to electronic discovery;
 - b. When and to whom the plaintiff anticipates it may send interrogatories, whether the Rule 33(a) limit of twenty-five per party should apply, and reasons for any requested adjustment.
 - c. When and to whom the defendant anticipates it may send interrogatories, whether the Rule 33(a) limit of twenty-five per party should apply, and reasons for any requested adjustment.
 - d. Of whom and by when the plaintiff anticipates taking oral depositions, whether the Rule 30(a)(2)(A) presumptive limit of ten depositions per side should apply, and reasons for any requested adjustment.
 - e. Of whom and by when the defendant anticipates taking oral depositions, whether the Rule 30(a)(2)(A) presumptive limit of ten depositions per side should apply, and reasons for any requested adjustment.
 - f. When the plaintiff (or the party with the burden of proof on an issue) can designate experts and provide Rule 26(a)(2)(B) reports, and when the opposing party can designate responsive experts and provide their reports.

- g. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date.
 - h. List expert depositions the opposing party anticipates taking and their anticipated completion date.
11. State the date by which the parties can reasonably complete the planned discovery.
 12. If the parties disagree on any part of the discovery plan, describe the separate views and proposals of each party.
 13. Discuss the possibilities for a prompt settlement or resolution of the case at your Rule 26(f) meeting. Identify such possibilities. Describe what each party has done or agreed to do to bring about a prompt resolution of this dispute.
 14. Counsel to each party must discuss with their client the alternative dispute resolution techniques that are reasonably suitable to this case. Identify such potential techniques. State when the parties may effectively use any such technique.
 15. A Magistrate Judge of this Court may now hear jury and nonjury trials. Indicate the parties' joint position on a trial before a Magistrate Judge.
 16. Identify any party that has made a jury demand and whether it was timely.
 17. Specify the number of hours it will likely take to present the evidence at trial in this case.
 18. List pending motions the Court could resolve at the initial pretrial conference.
 19. List other pending motions.
 20. List all other matters that deserve attention of the Court at the initial pretrial conference.
 21. Complete and attach a proposed scheduling and docket control order where necessary to suggest modifications to the Court's standard order. Clearly indicate any disagreements with reasons in support of the requests made.

- 22. Certify that all parties have filed the Disclosure of Interested Persons as directed in the Order for Conference and Disclosure of Interested Persons, listing the date of filing for original and any amendments.
- 23. If the case involves an unincorporated entity as a party, such as an LLC or LLP, state the citizenship of every member. As an attachment to this joint filing, such party must file an affidavit or declaration establishing the citizenship of every member.
- 24. List the names, bar numbers, addresses, telephone numbers, and e-mails of all counsel and unrepresented parties.

Respectfully submitted,

Date

[Plaintiff Signature Block]

Date

[Defendant Signature Block]