

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA



NOTICE TO COUNSEL

The attached Conference and Scheduling Order contains a number of important changes required by recent amendments to the Federal Rules of Civil Procedure, effective December 1, 2000. Additional amendments became effective August 1, 2001.

Counsel should carefully review the Order and note all deadlines on a calendaring system.

Counsel should also review the referenced rules and become familiar with these significant changes.

The amended Local Civil Rules for the District of South Carolina are available at:

www.scd.uscourts.gov.

s/ Margaret B. Seymour
United States District Judge

February 5, 2008
Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

John Doe) C/A No. **00-cv-00000-MBS**
)
Plaintiff(s),)
)
-versus-) **CONFERENCE AND**
) **SCHEDULING ORDER**
)
Jane Doe)
)
Defendant(s).)

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for this case. Discovery may begin upon receipt of this order.

1. A conference of the parties pursuant to Fed.R.Civ.P. 26(f) shall be held no later than **2/15/08**.¹ At conference the parties shall confer concerning all matters set forth in Fed.R.Civ.P. 26(f) and whether the schedule set forth in this order is appropriate and, if not, what modifications are necessary.²
2. No later than **2/22/08** the required initial disclosures under Fed.R.Civ.P. 26(a)(1) shall be made.³
3. No later than **2/29/08** the parties shall file a Rule 26(f) Report in the form attached to this order. Parties are hereby notified that Local Civil Rule 26.03 lists additional queries to be answered in the Rule 26(f) Report.
4. Motions to join other parties and amend the pleadings (Fed.R.Civ.P.16(b)(1)) shall be filed no later than **3/7/08**.

¹Plaintiff's counsel shall initiate the scheduling of the Rule 26(f) conference with all counsel known to plaintiff regardless of whether they have filed appearances.

²The parties shall also consider whether they wish to consent to trial before a United States Magistrate Judge. See attached Notice of Availability of United States Magistrate Judge.

³Pursuant to Fed.R.Civ.P. 26(a)(1), the parties may, by stipulation, agree not to make some or all of the Rule 26(a)(1) initial disclosures. If such a stipulation is made, it shall be confirmed in writing between the parties. See Fed.R.Civ.P. 29 and Local Civil Rule 29.01.

5. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **3/14/08**.
6. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **3/21/08**.
7. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **3/28/08**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed.R.Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
8. Discovery shall be completed no later than **4/4/08**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02.
9. Motions in limine must be filed at no later than **4/11/08**.
10. All other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed.R.Civ.P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before **4/18/08**. (Fed.R.Civ.P.16(b)(2)).
11. Mediation, pursuant to Local Civil Rules 16.03 - 16.11, shall be completed in this case on or before **4/25/08**. See Mediation Order filed this date which sets forth mediation requirements. At least thirty (30) days prior to this mediation deadline, counsel for each party shall file and serve a statement certifying that counsel has: (1) provided the party with a copy of the Mediation Order; (2) discussed the availability of mediation with the party; and (3) discussed the advisability and timing of mediation with opposing counsel.

12. No later than **5/2/08** the parties shall file and exchange Fed.R.Civ.P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed.R.Civ.P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed.R.Civ.P. 32(a)(4). See Local Civil Rule 30.03(J) (video deposition additional requirements).
13. Parties shall furnish the Court pretrial briefs five (5) business days prior to the date set for jury selection (Local Civil Rule 26.05).⁴ Attorneys shall meet at least five (5) business days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. See Local Civil Rule 26.07.
14. This case is subject to being called for jury selection and/or trial on or after **5/9/08**.

s/ Margaret B. Seymour
United States District Judge

Dated: **February 5, 2008**

Columbia, South Carolina

Pursuant to Local Civil Rule 83.I.08, this order is being sent to local counsel only.

⁴Requirements for cases assigned to Judge Seymour as to submission/filing of pretrial briefs can be found at www.scd.uscourts.gov.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

John Doe) CA **00-cv-00000-MBS**
)
Plaintiff(s),)
) **RULE 26(f) REPORT**
-versus-)
)
Jane Doe)
)
Defendant(s).)

The parties, having consulted pursuant to Rule 26(f), Fed. R. Civ. P., hereby report as follows (check one below):

_____ We agree that the schedule set forth in the Conference and Scheduling Order filed **February 5, 2008** is appropriate for this case. The parties' proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 are attached.

_____ We agree that the schedule set forth in the Conference and Scheduling Order filed **February 5, 2008** requires modification as set forth in the attached proposed Consent Amended Scheduling Order (use format of the Court's standard scheduling order attached hereto). The parties' proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 are attached.

_____ We are unable, after consultation, to agree on a schedule for this case. We, therefore, request a scheduling conference with the Court. The parties' proposed discovery plan as required by 26(f) Fed. R. Civ. P., with disagreements noted, is attached. The information required by Local Civil Rule 26.03 is also attached.

(SIGNATURE PAGE ATTACHED)

PLAINTIFF(S)

DEFENDANT(S)

Signature of Plaintiff's Counsel

Plaintiff Attorney, John Doe
*Printed Name of Plaintiff's Counsel
and Party Represented*

Signature of Defendant's Counsel

Defendant Attorney, Jane Doe
*Printed Name of Defendant's Counsel
and Party Represented*

Signature of Plaintiff's Counsel

*Printed Name of Plaintiff's Counsel
and Party Represented*

Signature of Defendant's Counsel

*Printed Name of Defendant's Counsel
and Party Represented*

Signature of Plaintiff's Counsel

*Printed Name of Plaintiff's Counsel
and Party Represented*

Signature of Defendant's Counsel

*Printed Name of Defendant's Counsel
and Party Represented*

Signature of Plaintiff's Counsel

*Printed Name of Plaintiff's Counsel
and Party Represented*

Signature of Defendant's Counsel

*Printed Name of Defendant's Counsel
and Party Represented*

Dated: February 5, 2008

Dated: February 5, 2008

UNITED STATES DISTRICT COURT

District of South Carolina

John Doe, Plaintiff

NOTICE, CONSENT, AND ORDER OF REFERENCE — EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

v.

Jane Doe, Defendant

Case Number: 00-cv-00000-MBS

NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE TO EXERCISE JURISDICTION

In accordance with the provisions of 28 U.S.C. 636(c), and Fed. R. Civ. P. 73, you are hereby notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all further proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Table with 3 columns: Party Represented, Signatures, Date. Includes horizontal lines for input.

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to The Honorable _____, United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. § 636(c), Fed. R. Civ. P. 73.

Date

United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

If any reason exists why any person, party or counsel subject to this Order should not participate in this mediation, the court is to be advised of these reasons in writing immediately.

Notices have been mailed to all counsel of record and any *pro se* parties. Counsel are responsible for notifying and ensuring the presence of parties and/or insurer representatives as described above.

Any questions concerning the selection of a mediator or the mediation process generally should be referred to the court's ADR Program Director, Danny Mullis, at (843) 579-1435.

AND IT IS SO ORDERED.

s/ Margaret B. Seymour
United States District Judge

February 5, 2008
Columbia, South Carolina

SAMPLE