

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

.....X

\_\_\_ Civ. \_\_\_\_\_ ( ) (RFT)

Plaintiff(s),

-against-

**PROPOSED CASE MANAGEMENT PLAN AND  
REPORT OF RULE 26(f) CONFERENCE**

Defendant(s).

.....X

**Court Expectations**

**Rule 1 and Rule 26(b)(1).** Counsel are expected to have reviewed Rule 1 and Rule 26(b)(1) and considered their obligations thereunder in discussing and preparing a discovery plan.

**Additional consideration of proportionality.** Counsel shall discuss and consider whether phased or iterative discovery will increase efficiency, reduce costs and lead to a faster resolution of the case when preparing a discovery plan.

**Document Requests.** Counsel shall be fully familiar with their obligations under Rules 34 and 26(g) and consider and discuss ways to ensure compliance and minimize disputes regarding overbreadth and specificity of requests and responses.

**Competence.** Counsel shall be sufficiently knowledgeable in matters relating to their clients' technological systems to discuss competently issues relating to electronic discovery, or have involved someone competent to address these issues on their behalf.

Counsel are directed to the Discussion Topics for Rule 26(f) Conference on Judge Tarnofsky's Individual Practices Page.

**Status Update Letters.** After paper discovery is underway and again after the deadline for completing all discovery, on dates set by the court, the parties shall file status letters to confirm that discovery is proceeding as scheduled/is complete.

Counsel represent by their signature below that they have read and will comply with the above.

**Proposed Discovery Plan**

In accordance with Federal Rule of Civil Procedure 26(f) and Judge Tarnofsky’s Individual Rules, the parties met on \_\_\_\_\_ (at least one week before the Initial Case Management Conference) and are exchanging communications thereafter. At least one week before the Initial Case Management Conference, the parties submit the following report for the Court’s consideration:

**1. Summary of Claims, Defenses, and Relevant Issues**

Plaintiff:

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Defendant:

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**2. Basis of Subject Matter Jurisdiction**

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**3. Subjects on Which Discovery May Be Needed**

Plaintiff(s):

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Defendant(s):

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**4. Informal Disclosures**

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was **disclosed by Plaintiff(s)** on \_\_\_\_\_. In addition, on \_\_\_\_\_, Plaintiff(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was **disclosed by Defendant(s)** on \_\_\_\_\_. In addition, on \_\_\_\_\_, Defendant(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

**5. Formal Discovery**

The parties jointly propose to the Court the following discovery plan: All fact discovery must be completed by \_\_\_\_\_. If the parties agree on a schedule that calls for the close of all discovery within four to six months, and the Proposed Case Management Plan meets that goal, then the Court is likely to cancel the initial Case Management Conference unless the parties request that the conference go forward.

**The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth herein.**

- a. Depositions: Depositions shall be completed by \_\_\_\_\_ and limited to no more than \_\_\_\_\_ depositions per party. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
  
- b. Interrogatories: Initial sets of interrogatories shall be served on or before \_\_\_\_\_. All subsequent interrogatories must be served no later than 30 days prior to the discovery deadline.
  
- c. Requests for Admission: Requests for admission must be served on or before \_\_\_\_\_.
  
- d. Requests for Production: Initial requests for production were/will be exchanged on \_\_\_\_\_ and responses shall be due on \_\_\_\_\_. All subsequent requests for production must be served no later than 30 days prior to the discovery deadline.
  
- e. Supplementation: Supplementations under Rule 26(e) must be made within a reasonable period of time after discovery of such information.

**6. Anticipated Discovery Disputes**

Are there any anticipated discovery disputes? Does either party seek limitations on discovery? Describe.

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**7. The parties shall file an update on the status of discovery on [the following dates]:**

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Such update shall include: \_\_\_\_\_.

**8. Amendments to Pleadings**

- a. Are there any amendments to pleadings anticipated? \_\_\_\_\_
- b. Last date to amend the Complaint: \_\_\_\_\_

**9. Joinder of Parties**

- c. Are there other necessary parties that need to be joined? Y/N
- d. Is joinder of other parties anticipated? \_\_\_\_\_.
- e. Last date to join other parties: \_\_\_\_\_.

**10. Expert Witness Disclosures**

At this time, the parties do/do not (circle one) anticipate utilizing experts. Expert discovery shall be completed by \_\_\_\_\_.

**11. Electronic Discovery and Preservation of Documents and Information**

- f. Have the parties discussed electronic discovery? \_\_\_\_\_.
- g. Is there an electronic discovery protocol in place? If not, when the parties expect to have one in place? \_\_\_\_\_.
- h. Are there issues the parties would like to address concerning preservation of evidence and/or electronic discovery at the Initial Case Management Conference?

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**12. Anticipated Motions**

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**13. Certification of Completion of Discovery**

**One week before** the scheduled completion of all discovery, the parties shall file a status letter to confirm that discovery has been completed as scheduled.

**14. Early Settlement or Resolution**

The parties have/have not (circle one) discussed the possibility of settlement. The parties request a settlement conference/referral to Court-annexed mediation (circle one); by no later than \_\_\_\_\_.

The following information is needed before settlement can be discussed:

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**15. Trial**

- a. The parties anticipate that this case will be ready for trial by\_\_\_\_\_.
- b. The parties anticipate that the trial of this case will require\_\_\_\_\_days.
- c. The parties request a jury/bench (circle one) trial.
- d. The parties consent/do not consent (circle one) to Magistrate Judge jurisdiction at this time.

**16. Other Matters**

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**The parties are advised that they may consent to Magistrate Judge jurisdiction at any time during the case pursuant to 28 USC § 636(c). To consent to Magistrate Judge jurisdiction for all purposes or specific dispositive motions, please utilize the consent form on Judge Tarnofsky's Individual Practices Webpage.**

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Counsel for Plaintiff(s)

\_\_\_\_\_  
Counsel for Defendant(s)