

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

_____ ,	
Plaintiff(s),	
vs.	Case No. _____
_____ ,	
Defendant(s).	

**SCHEDULING/DISCOVERY PLAN**

Pursuant to Rule 26(f), counsel for the parties certify that on \_\_\_\_\_, **20**\_\_\_\_, they conferred in person, by video, or by telephone to discuss the nature and basis of their clients' claims and defenses, the possibilities for a prompt settlement or resolution of the case, and a proposed discovery plan. After conferring in good faith, counsel for the parties have agreed upon the following:

- (1) The parties have made (or shall make by \_\_\_\_\_) Rule 26(a)(1) initial disclosures, summarized as follows:

NOTE: If the court's jurisdiction is based on diversity of citizenship a party must file a disclosure statement identifying the citizenship of every individual or entity whose citizenship is attributed to that party. If any party is an unincorporated business organization (e.g., an LLC), counsel representing the unincorporated business organization must provide information as to citizenship of all partners, members, or beneficial owners of the organization as part of the initial disclosures.

- (2) The parties propose the following discovery plan:
- (a) Discovery will be needed on these subjects:
  - (b) Disclosure, discovery, or preservation of electronically stored information should be handled as follows:  

NOTE: Counsel must discuss (1) what electronic sources each party will search, including any personally-owned electronic devices, (2) any issues concerning difficulty of retrieval, (3) form of production of ESI, (4) cost of production and which party will bear the cost of production, (5) privilege and waiver issues, and (6) any other issues concerning discovery of ESI. Prior to counsel's Rule 26(f)(2) conference, counsel should determine (1) who is most familiar with the client's computer system, (2) what electronic records the client maintains, (3) how the client's electronic records are stored, (4) difficulty or ease of retrieving various types of records, (5) existence and terms of the client's document retention/destruction policies, and (6) whether the client has placed a litigation hold to prevent destruction of potentially relevant records.
  - (c) The parties have discussed any issues regarding preservation of discoverable information as follows:
  - (d) The parties have discussed possible need for a protective order as follows:
  - (e) If this is a case that will involve the discovery of medical, mental health, employment, education, tax, or workers compensation records, the parties

have agreed to the following with respect to who will secure these records and how the discovery of the records will be handled (*it will not be a sufficient answer that the parties have not addressed the issue or it will be considered later*):

If the parties have not reached an agreement all or in part, the following is what the parties have not been able to agree to and the reasons why (*if applicable, this section must be completed*):

- (f) The parties have discussed privilege logs, including information to be included about documents over which privilege is asserted and any categories of documents which the parties agree need not be identified in privilege logs:
- (g) The parties have agreed to the following maximum number of interrogatories **[per party / per side]**:
- (h) The parties have agreed to the following maximum number of requests for admissions **[per party / per side]**:
- (i) The parties have agreed to the following maximum number of requests for production of documents **[per party / per side]**:

(j) The parties have agreed to the following maximum number of depositions **[per party / per side]:**

(k) The parties have discussed possible need for depositions of organizations pursuant to Rule 30(b)(6) and, as required by that rule, will confer in advance of any depositions of organizations about topics on which testimony is requested.

(l) The parties have agreed any depositions taken only for presentation at trial will be completed at least \_\_\_\_\_ days prior to trial.

(m) The parties have agreed that all fact discovery will be completed by the following deadline, with all discovery pursuant to Rules 33, 34, and 36 to be served a minimum of thirty-three (33) days prior to the deadline:

\_\_\_\_\_

(n) The parties have agreed on the following deadline for discovery motions:

\_\_\_\_\_

(o) An appropriate time for a mid-discovery status conference would be:

\_\_\_\_\_

(p) The parties have agreed on the following deadlines for exchanging complete expert witness reports:

\_\_\_\_\_ for plaintiff(s);

\_\_\_\_\_ for defendant(s); and

\_\_\_\_\_ for any rebuttal experts.

(q) The parties have agreed on the following deadline to complete discovery depositions of expert witnesses:

\_\_\_\_\_

(3) The parties have agreed to the following deadlines for filing motions:

\_\_\_\_\_ motions to join additional parties;

\_\_\_\_\_ motions to amend pleadings;

;

\_\_\_\_\_ nondispositive motions (e.g. consolidation, bifurcation); and

\_\_\_\_\_ dispositive motions (e.g. summary judgment).

(4) The parties have discussed alternative dispute resolution and plan as follows:

A court-hosted settlement conference;

Private mediation; or

Other (explain):

(5) The parties shall be ready to evaluate the case for settlement purposes by:

\_\_\_\_\_

(6) The parties [**will / will not**] waive their rights to proceed before a district judge and consent to have a magistrate judge conduct all further proceedings in the case, including the trial, and order for entry of a final judgment.

(7) Trial of this case will be [**jury / nonjury**].

(8) The estimated length of trial is \_\_\_\_\_ days.

Dated: [Date]

Dated: [Date]

[Law Firm]

[Law Firm]

/s/ [Attorney Name]

/s/ [Attorney Name]

[Attorney Name] ([#Bar ID])

[Attorney Name] ([#Bar ID])

[Address]

[Address]

[Address]

[Address]

[Telephone]

[Telephone]

[Email Address]

[Email Address]

*Attorney for Plaintiff(s)*

*Attorney for Defendant(s)*