

FORM

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

v. : CIVIL ACTION
: NO.
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REPORT OF RULE 26(f) MEETING

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties conferred on (date) and submit the following report of their meeting for the Court’s consideration:

I. Discussion of Claims, Defenses and Relevant Issues

The Court takes seriously Rule 26(f)(2)’s mandate that the parties confer and discuss these issues, and the parties should refer to the Rule before completing this template.

You should assume that the court has read the pleadings. However, the facts supporting the claims and defenses are unknown. Therefore, counsel shall set forth concisely the factual background that the parties contend supports their claims and defenses.

Summarize your discussion of primary issues, threshold issues and those issues on which the parties will need to conduct discovery. Identify what information each party needs in discovery as well as when and why. Also indicate likely motions and their timing.

II. Informal Disclosures

State the parties’ agreement on timing, form and scope of informal disclosures. Specifically identify not only the information listed in Rule 26(a)(1), but any additional

information the parties agree to disclose informally.

Keep in mind that self-executing discovery must not be delayed until the pretrial conference. If the parties have not made the Rule 26(a) initial disclosures within the time required by the Court's Order scheduling the pretrial conference, they should explain why not.

III. Formal Discovery

Indicate nature, sequence and timing of formal discovery, as well as any need to conduct discovery in phases to prepare for the filing of motions or for settlement discussions. Specifically delineate what discovery will be conducted formally.

In standard track cases, the Court usually allows up to ninety days from the date of the Rule 16 conference to complete fact discovery, sixty days for exchange of experts' reports and up to sixty days to conduct expert depositions. In special management cases, the Court will permit additional time to conduct fact and or expert discovery if the parties identify a need to do so at the Rule 16 conference, or any subsequent status conferences. A case will ordinarily be listed for trial thirty to sixty days after the completion of fact and expert discovery. If the parties believe there are compelling reasons for a longer period of discovery, state them.

IV. Electronic Discovery

The parties shall be prepared to address e-discovery at the Rule 16 scheduling conference with the Court. At the Rule 26(f) conference, they must discuss the parameters of their anticipated e-discovery. They are required to address procedures to preserve electronically stored information, to avoid inadvertent privilege waivers, and to determine the form in which electronic information will be produced. The cost of producing the information must be discussed. For additional guidance, the parties should refer to the Court's Checklist for Rule 26(f) Meet and Confer Regarding Electronically Stored Information, available on the Eastern

District of Pennsylvania website with Judge Kenney's Policies & Procedures.

It is expected that the parties will reach an agreement on how to conduct electronic discovery. In the event the parties cannot reach such an agreement before the Rule 16 scheduling conference, the court will enter an order incorporating default standards. The default order is available on the Eastern District of Pennsylvania website with Judge Kenney's Policies & Procedures.

V. Expert Witness Disclosures

Indicate agreement on timing and sequence of disclosure of the identity and anticipated testimony of expert witnesses, including whether depositions of experts will be needed.

The parties should expect that the court requires expert reports to be exchanged simultaneously. If there are compelling reasons to stagger the production of expert reports, state them.

VI. Early Settlement or Resolution

The parties must familiarize themselves with Local Rule 53.3 before responding. Recite the parties' discussion about early resolution through ADR, motion or otherwise explain what steps were taken by counsel to advise the client of alternative dispute resolution options. Explain any decision not to seek early resolution and what mediation options the parties may consider and when mediation would be appropriate.

VII. Trial

A date for trial will be determined at the initial Rule 16 conference. The parties should propose a date when they expect to be ready for trial. They should state how long each party expects for presentation of its case and an estimate for the length of the entire trial.

VII. Other Matters

Indicate discussion and any agreement on matters not addressed above.

(Attorney Signature)

(Attorney Signature)