

Joint Report Pursuant to Rule 26(f)

Effective October 6, 2020

Instructions

* The parties are directed to prepare a Joint Rule 26(f) Report to submit to the Court following the parties' Rule 26(f) Conference.

* The parties must hold a Rule 26(f) Conference early enough to allow for preparation of the Joint Report. *See* Fed. R. Civ. P 26(f)(1).

* The Joint Report shall follow the format and order of topics below, and the parties shall provide succinct answers to the prompts below.

* **The Joint Report *must* be emailed to robrenocorrespondence@paed.uscourts.gov at least three (3) business days before the scheduling conference or hearing at which scheduling will be discussed. The Joint Report *must not* be filed of record.**

JOINT RULE 26(f) REPORT

[Plaintiff] v. [Defendant], Case No. [yy]-cv-[nnnnn]

Plaintiff's counsel attending the Rule 16 Conference: _____

Defendant's counsel attending the Rule 16 Conference: _____

Date & Time of Rule 16 Conference: _____

Plaintiff's counsel who attended Rule 26(f) conference: _____

Defendant's counsel who attended Rule 26(f) conference: _____

I. Case Introduction (What is this case about?)

- a. Plaintiff's statement of the case (no more than 150 words)
- b. Defendant's statement of the case (no more than 150 words)

II. Jurisdictional Matters

- a. Statutory basis for subject matter jurisdiction
 - i. In diversity jurisdiction cases, state the citizenship of the parties, and if any party is a partnership, LLC, or other unincorporated association, state the citizenship of all of the members of that partnership / LLC / unincorporated

association. Also state the amount in controversy and the bases for the figure.

- ii. In all other cases, state the federal statute(s) authorizing jurisdiction over the case.
- b. Plaintiff's basis for alleging personal jurisdiction over Defendant in Pennsylvania
- c. Plaintiff's basis for alleging venue is proper in the Eastern District of Pennsylvania
- d. Is a jury requested? If yes, state the basis for asserting the right to a jury trial.
- e. Are there any jurisdictional issues that must be addressed?

III. Causes of Action and Defenses

- a. Plaintiff – provide a list of the causes of action (including statute where appropriate)
- b. Defendant – as to each cause of action, state Defendant's affirmative defenses
- c. If there are counterclaims, Defendant should list the causes of action and Plaintiff should state affirmative defenses as to each cause of action

IV. Procedural History

- a. Provide a list of key filing dates *e.g.* Complaint, Answer, Removal from State Court, Entry of Default. The list should include docket numbers.
- b. State any contentions that a filing was untimely

V. Discovery Plan

- a. Number of depositions (*usually no more than 10*)
- b. Number of interrogatories (*usually no more than 25*)
- c. Number of requests for production (*usually no more than 50*)
- d. Number of requests for admission (*usually no more than 50*)
- e. If electronic discovery will be sought, have the parties prepared an appropriate protocol?
- f. Do the parties intend to seek entry of a Confidentiality or Protective Order?
 - i. If yes, the parties must prepare a proposed order that states with *specificity* the information that requires protection. Failure to do so will result in a denial of the entry of the proposed order.
- g. Are there any other discovery-related issues that need to be addressed?
- h. Are there issues of privilege in the case? If yes, state which party is asserting the privilege and the nature of the privilege.

VI. Proposed Deadlines

- a. Initial Disclosures
 - i. Have the parties exchanged initial disclosures pursuant to Rule 26(a)?

- A. If the exchange has not happened, explain why not and state when the exchange will happen.
- b. Pleadings
 - i. Motions for leave to amend pleadings, motions for leave to join other parties, or any third-party complaints (*usually R.16 Conference +30 days*)
- c. Discovery
 - i. Completion of fact discovery (*usually R.16 Conference +90 days*)
 - A. If greater than 90 days, state why.
 - ii. Completion of expert discovery (*usually R.16 Conference +120 days*)
 - A. In certain cases, it may be necessary to have an earlier exchange of expert discovery.
- d. Dispositive Motions
 - i. Date for a party to file a motion for summary judgment (*usually R.16 Conference +150 days*)
 - ii. Date for response to a motion for summary judgment (*usually R.16 Conference +180 days*)
- e. Trial (*these dates will be suspended if dispositive motions are filed*)
 - i. Date for parties to submit pre-trial memoranda, motions in limine, voir dire, jury instructions, special interrogatories, and verdict forms/proposed findings of fact and conclusions of law (*usually R.16 Conference +170 days*)
 - ii. Date for case to be placed in trial pool (*usually R.16 Conference +180 days*)
 - iii. Number of days needed for Plaintiff's case
 - iv. Number of days needed for Defendant's case

VII. Options for Alternative Dispute Resolution

- a. Do counsel have full authority to settle at a Rule 16 Conference?
- b. What methods of ADR have the parties considered *e.g.*, proceedings before a Magistrate Judge, private mediation, other?
- c. What is the earliest date the case should be the subject of a settlement conference?

Prepared on behalf of Plaintiff by: _____

Prepared on behalf of Defendant by: _____

Date mailed to the Court: _____