

FORM

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

CIVIL ACTION

v.

NO.

**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:

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

You should assume that the court has read the complaint and is familiar with the claims. However, the facts supporting those claims and defenses are unknown. Therefore, counsel shall set forth concisely the factual background that the parties contend support 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.

**2. 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.

### **3. 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.

Counsel shall include specific dates for all pretrial deadlines in accordance with the template for standard cases provided in Schedule A of this document. In standard cases, the Court usually allows up to one hundred twenty (120) days from the date of the Rule 16 conference to complete fact discovery, thirty (30) days for exchange of experts' reports and up to thirty (30) days to conduct expert depositions. In complex cases, the Court will permit additional time to conduct fact and/or expert discovery if the parties identify specifically the reason to do so. A case will ordinarily be listed for trial after dispositive motion practice is complete. If the parties believe there are compelling reasons for a longer period of discovery, state them.

### **4. Electronic Discovery**

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 can be viewed at [www.paed.uscourts.gov](http://www.paed.uscourts.gov). The parties shall discuss the parameters of their anticipated e-discovery at the Rule 26(f) conference and shall be prepared to address e-discovery at the Rule 16 scheduling conference with the court.

### **5. 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.

## **6. Early Settlement or Resolution**

The parties must familiarize themselves with Local Rule 53.3 before responding. Recite the parties' discussion about early resolution through:

- (1) referral to a magistrate judge for a settlement conference;
- (2) consent to a magistrate judge handling the matter in its entirety;
- (3) court mediation; or
- (4) ADR.

Explain any decision not to seek early resolution, and what mediation options the parties may consider and when mediation would be appropriate.

Frequently, the Court will order counsel to submit a joint report as to whether they believe a settlement conference before a magistrate judge, or some other form of alternative dispute resolution, would be of assistance in resolving the case. Indicate in the proposed discovery plan when the parties deem this appropriate to occur.

## **7. Trial Date**

Chambers will contact the parties if no dispositive motions are filed after the deadline, or after dispositive motions are decided, to schedule all further proceedings, including a trial date.

## **8. Other Matters**

Indicate discussion and any agreement on matters not addressed above.

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(Attorney Signature)

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(Attorney Signature)

**SCHEDULE A**

The standard discovery plan is as follows:

<b><u>Event Description</u></b>	<b><u>Timing</u></b>	<b><u>Date Certain</u></b>
<b>Initial Disclosures</b>	Date of Completion	
<b>Written Discovery Deadline</b>	Flexible. Prior to fact discovery deadline	
<b>Fact Discovery Deadline</b>	120 days from the date of the Rule 16 conference	
<b>Parties exchange curriculum vitae and reports of expert witnesses</b>	30 days from fact discovery deadline	
<b>Any responses or rebuttal reports to expert witness discovery</b>	30 days after exchange of expert discovery	
<b>Close of expert discovery, including expert depositions</b>	30 days after responses or rebuttal reports	
<b>Motions for summary judgment and/or <i>Daubert</i> motions</b>	30 days after close of expert discovery	
<b>Responses to dispositive motions</b>	30 days after dispositive motions deadline	

If the parties believe there are compelling reasons for bifurcated expert discovery, state them. If bifurcated expert discovery is requested, the template for standard track cases is as follows:

<b><u>Event Description</u></b>	<b><u>Timing</u></b>	<b><u>Date Certain</u></b>
<b>Initial Disclosures</b>	Date of Completion	
<b>Written Discovery Deadline</b>	Flexible. Prior to fact discovery deadline	
<b>Fact Discovery Deadline</b>	120 days from the date of the Rule 16 conference	
<b>Plaintiff(s) shall serve Defendant(s) with curriculum vitae and reports of expert witnesses</b>	30 days from fact discovery deadline	

<b>Any responses or rebuttal reports to Plaintiff expert witness discovery</b>	30 days after service of Plaintiff expert discovery	
<b>Defendant(s) shall serve Plaintiff(s) with curriculum vitae and reports of expert witnesses</b>	14 days after service of Plaintiff expert discovery	
<b>Any responses or rebuttal reports to Defense expert witness discovery</b>	30 days after service of Defense expert discovery	
<b>Close of expert discovery, including expert depositions</b>	30 days after responses or rebuttal reports to Defense expert discovery	
<b>Motions for summary judgment and/or <i>Daubert</i> motions</b>	30 days after close of expert discovery	
<b>Responses to dispositive motions</b>	30 days after dispositive motions deadline	