

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. _____
	:	
	:	
	:	
Defendant.	:	

**JOINT REPORT BY COUNSEL TO THE COURT OF RULE 26(f) MEETING**  
(To Be Sent to Chambers Five (5) Days in Advance of Initial Rule 16 Pretrial Conference)

In compliance with Federal Rule of Civil Procedure 26(f), counsel for the parties jointly report as follows:

1.    Jurisdiction: State the basis for jurisdiction of the Court:  
          \_\_\_\_\_
  
2.    Trial:  

(a)	Jury Trial	_____
(b)	Non-Jury Trial	_____
(c)	Arbitration	_____
(d)	Cross Motions for Summary Judgment (no testimony required)	_____

(Check One)
  
3.    Plaintiff Counsel: Name(s) of Plaintiff counsel attending Rule 16 Conference:  
          \_\_\_\_\_
  
4.    Defense Counsel: Name(s) of Defense counsel attending Rule 16 Conference:  
          \_\_\_\_\_
  
5.    Date of Rule 26 Conference: State the date the parties held required Rule 26 Conference: \_\_\_\_\_
  
6.    Compliance with Rule 26(a) Self-Executing Disclosure Requirement: Have all parties complied with Rule 26(a) duty of self-executing disclosure?  

(a)	Yes_____	No_____	(Check One)
(b)	If no, state date compliance will occur: _____		

7. Class Actions (if applicable)

- (a) Does the plaintiff seek to maintain this case as a class action?  
Yes \_\_\_\_\_ No \_\_\_\_\_

(b) Proposed Schedule

If yes, the parties shall confer and submit a mutually agreed upon proposed schedule for this action and attach it to this Report. The schedule should address, at a minimum, deadlines for the following: (i) threshold dispositive motions, such as challenges to jurisdiction and venue, which may need to be decided before a motion to certify a class; (ii) precertification class discovery, if needed; (iii) motion for class certification; (iv) merits discovery; and (v) motions for summary judgment.

(c) Precertification Discovery

If the parties seek to conduct precertification discovery, they should identify the depositions and other discovery contemplated, as well as the subject matter, and be prepared to explain why this discovery is necessary to the certification inquiry.<sup>1</sup> The parties should also be mindful that Rule 23 contemplates that determination of the propriety of class action be made at an early stage of the proceedings. *See* Fed. R. Civ. P. 23(c)(1)(A).

8. Discovery:

(a) Fact Discovery

- (i) The parties anticipate that fact discovery will be completed within \_\_\_\_\_ days (the Court allows up to 90 days from the date of the initial Rule 16 pretrial conference to complete fact discovery).
- (ii) If you contend the fact discovery period should exceed 90 days, please state reason: \_\_\_\_\_
- (iii) Do the parties anticipate serving Interrogatories and/or Requests for Production?  
Yes \_\_\_\_\_ No \_\_\_\_\_ (Check One)
- (iv) Have Interrogatories and/or Requests for Production been served?  
Plaintiff Yes \_\_\_\_\_ No \_\_\_\_\_ (Check One)  
Defendant Yes \_\_\_\_\_ No \_\_\_\_\_ (Check One)

(b) Expert Discovery

Does either side anticipate the use of experts?

Plaintiff Yes \_\_\_\_\_ No \_\_\_\_\_ (Check One)  
Defendant Yes \_\_\_\_\_ No \_\_\_\_\_ (Check One)

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<sup>1</sup> *See Manual for Complex Litigation (Fourth)* § 21.14 (2004).

(c) 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 on the Court's web site at the link for "Judges' Info", then proceed to "District Court Judges", then proceed to "Joseph F. Leeson, Jr." to view "Order Governing Electronic Discovery".

(d) Claims of Privilege

Have the parties discussed issues relating to claims of privilege or of protection of trial-preparation material, as required by Rule 26(f)(3)(D)?

Yes\_\_\_\_\_ No\_\_\_\_\_ (Check One)

(e) Other Discovery Issues

Identify any other discovery issues which should be addressed at the Rule 16 Conference, including limitations on discovery, protective Orders needed, or other elements which should be included in a particularized discovery plan.

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9. Case Dispositive Motions: Does either side expect to file a case-dispositive motion?

(a) Plaintiff Yes\_\_\_\_\_ No\_\_\_\_\_ (Check One)

(i) If yes, under what Rule: \_\_\_\_\_

(ii) If yes, specify the issue(s): \_\_\_\_\_

(b) Defendant Yes\_\_\_\_\_ No\_\_\_\_\_ (Check One)

(i) If yes, under what Rule: \_\_\_\_\_

(ii) If yes, specify the issue(s): \_\_\_\_\_

10. Settlement:

Local Rule 53.3 requires litigants in all civil actions to consider the use of an alternative dispute resolution process ("ADR"), such as mediation or settlement conferences. The parties should familiarize themselves with this Rule before responding to the following questions.

(a) (i) Do the parties want to explore with the Court the possibility of settlement at the Rule 16 Conference?

Plaintiff Yes\_\_\_\_\_ No\_\_\_\_\_ (Check One)

Defendant Yes\_\_\_\_\_ No\_\_\_\_\_ (Check One)

(ii) Will all counsel have full authority to settle at Rule 16 Conference?

Yes\_\_\_\_\_ No\_\_\_\_\_ (Check One)

- (b) Has the Plaintiff submitted a demand for settlement to Defendant?  
Yes\_\_\_\_\_ No\_\_\_\_\_ (Check One)
- (c) Is a settlement conference at a future date likely to be helpful? \_\_\_\_\_  
If so, when: \_\_\_\_\_
- (d) Explain any decision not to seek early resolution through ADR, and  
provide any other pertinent information about the discussions the parties have had  
about ADR: \_\_\_\_\_  
\_\_\_\_\_

11. Estimated Trial Ready Date: Approximate date case should be trial-ready:  
\_\_\_\_\_

12. Estimated Number of Days for Trial:

- (a) For Plaintiff's case: \_\_\_\_\_
- (b) For Defendant's case: \_\_\_\_\_

13. Disposition by U.S. Magistrate Judge: Following consultation with your clients,  
do you agree to proceed before a U.S. Magistrate Judge for final disposition?  
Yes\_\_\_\_\_ No\_\_\_\_\_ (Check One)

If yes, all counsel are to sign the attached Consent and Reference of a Civil Action to a Magistrate Judge form and file the form on CM/ECF, using the event located in the Other Documents category, only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. **Do not return this form to the Judge.** The Consent should be filed at least 48 hours before the Initial Rule 16 Pretrial Conference. Thereupon the Initial Rule 16 Conference will be cancelled by Judge Leeson, the case will be re-assigned to the docket of a U.S. Magistrate Judge, and the Magistrate Judge will determine future scheduling of the case.

14. Other Matters: Indicate discussion and any agreement on any matters not addressed above, or such matters upon which the involvement of the Court is requested.  
\_\_\_\_\_

15. Summary of Claims, Defenses and Relevant Issues: The Complaint and Answer are docketed with the Court and available for review, however, the facts supporting those claims and defenses are not fully known. Therefore, both sides are to set forth concisely the factual background that the parties contend support their claims and defenses (not to exceed one page in length per party):  
\_\_\_\_\_  
\_\_\_\_\_

16. Telephone Conference Call-In Information. Plaintiff counsel to provide telephone conference call-in number and access code here.

Dial-In Number: \_\_\_\_\_

Access Code: \_\_\_\_\_

17. Certification: By signing below and submitting this Joint Report by Counsel, I certify that I have read and agree to comply with the “Policies and Procedures” of Judge Joseph F. Leeson, Jr. (copy available on the Court’s website under “Judges’ Info”).

\_\_\_\_\_  
(Signature)

Name of Attorney: \_\_\_\_\_

Counsel For: \_\_\_\_\_

Law Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name of Attorney: \_\_\_\_\_

Counsel For: \_\_\_\_\_

Law Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Date: \_\_\_\_\_

UNITED STATES DISTRICT  
COURT

for the

Eastern District of Pennsylvania

\_\_\_\_\_) )  
Plaintiff )  
v. ) Civil Action No.  
\_\_\_\_\_) )  
Defendant )

**CONSENT AND REFERENCE OF A CIVIL  
ACTION TO A RANDOMLY ASSIGNED  
MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States Court of Appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a randomly assigned magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a randomly assigned United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Printed names of parties and attorneys*

*Signatures of parties or attorneys*

*Dates*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Reference Order**

**IT IS ORDERED:** This case is referred to a randomly assigned United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's Signature*

Judge Joseph F. Leeson, Jr.

*Printed Name and Title*

Note: Please file this form on CM/ECF, using the event located in the Other Documents category, only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. **Do not return this form to a judge.**