

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.¹ 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)

¹ 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.

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. Defendant Civil Action No.

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.

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.

Table with 3 columns: 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.