

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

v.

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**CIVIL ACTION NO.**

**JOINT REPORT OF RULE 26(f) MEETING**

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

**Date and time of Rule 16 Conference:** \_\_\_\_\_

**Plaintiff's Counsel participating in the Rule 16 conference:** \_\_\_\_\_

**Defendant's Counsel participating in the Rule 16 conference:** \_\_\_\_\_

**Basis of Jurisdiction:** \_\_\_\_\_

**Jury trial** \_\_\_\_\_ **Non-Jury Trial** \_\_\_\_\_ **Arbitration** \_\_\_\_\_

**Do the parties consent to having this case proceed before a Magistrate Judge?** \_\_\_\_\_

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

You should assume that the Court has read the complaint and answer and is familiar with the claims. However, the facts supporting those claims and defenses are unknown. Therefore, counsel shall set forth concisely the controlling facts that the parties contend support their claims and defenses. Each party shall provide a brief factual summation of the case should be provided as an attachment and should not exceed two pages in length, double spaced in 12 point font.

If counsel contends that one or more issues of fact or law will be dispositive, they should specifically identify such issues.

### **Informal Disclosures**

Except in exceptional cases with a substantial quantity of documents, the parties are expected to have identified and **produced** documents falling within the definition of initial disclosures under Rule 26(a)(1) in advance of the Conference with sufficient time for opposing counsel to review them and be prepared to address them.

**When did parties participate with Rule 26(a)'s duty of self-executing disclosure?**

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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.

### **Formal Discovery**

The discovery deadline should normally be no more than 90 - 120 days from the date of that the Court provided notice of the Rule 16 conference, not from the date of the conference itself.

**The parties anticipate discovery should be completed within \_\_\_\_ days.**

**If you contend the discovery period should exceed 120 days, please explain:**

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

**Is electronic discovery needed:** \_\_\_\_\_ **If so, have the parties reached an agreement on how to conduct electronic discovery?** \_\_\_\_\_. If the parties cannot reach an agreement, in most cases, 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).

Have all necessary authorizations been signed and exchanged in advance of the Conference (e.g. HIPPA release, tax return authorization)?        ☐yes        ☐no

**Are there any discovery issues that should be addressed at the Rule 16 conference?**

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**Does either party anticipate the use of experts?**        ☐yes        ☐no

**If yes, describe the nature of the experts?**

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**Insurance Coverage:**

The parties shall provide full information about any potentially applicable insurance, regardless of any disclaimer or reservation of rights, including the limits of coverage, potential excess coverage, deductibles, self-insured retention (SIR), and whether any deductible or SIR includes payment of counsel fees and costs.

**Is there a relevant insurance policy?**        ☐yes        ☐no

If yes, then attach the policy to your response.

**Dispositive Motions:**

**Are dispositive motions expected?**        ☐yes        ☐no        ☐unsure

**Are Daubert motions expected?**        ☐yes        ☐no        ☐unsure

### **Settlement or Resolution**

The parties should review Local Rule 53.3 before responding. Whenever possible, plaintiff or counter-claim plaintiffs should communicate a settlement demand before the Conference. Set forth 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.

If this matter is scheduled as a jury trial, the parties should disclose the most recent demand and offer of settlement. This information should not be disclosed if a bench trial is expected.

**Would a settlement conference be beneficial?** \_\_\_\_\_

**If so, when:** \_\_\_\_\_ early \_\_\_\_\_ after discovery.

### **Other Matters**

Please advise the Court if there are any other matters that will need to be addressed at the Conference.

Counsel agrees that they have fully discussed their joint responses to this disclosure and have jointly submitted this response to the best of their knowledge of their respective cases:

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

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