Case Management Orders

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Scheduling Order

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

[Plaintiff(s)],

Plaintiff(s), CASE NO.: [Case No.]-DT

-v- HONORABLE LAWRENCE P. ZATKOFF

[Defendant(s)],

Defendant(s).
_____/

SCHEDULING ORDER FOR THE PURPOSE OF:

(1) Scheduling future proceedings;
(2) Establishing deadline and cut-off dates for discovery procedures, amendments to pleadings and joining parties;
(3) Modifying motion practice; and
(4) Referring certain pretrial matters to United States Magistrate Judge.

ALL COUNSEL ARE ADVISED THAT IT IS THE POLICY OF THE COURT TO ENFORCE THE DEADLINES AND CUT-OFF DATES SET FORTH IN THIS SCHEDULING ORDER PURSUANT TO RULE 16(f), FEDERAL RULES OF CIVIL PROCEDURE.

SPECIAL NOTICE: Pursuant to Rule 16(b), Federal Rules of Civil Procedure, requests for modification of this Scheduling Order must be submitted in writing by mail to the Court within 14 days from the date of this Scheduling Order.

Pursuant to the Federal Rules of Civil Procedure, the Court enters the following schedule controlling the progress of the above-entitled cause:

IT IS ORDERED:

1. Parties are ORDERED to exchange complete trial witness lists on or before: **[Witness List]** and file a proof of service. NO WITNESS MAY BE CALLED FOR TRIAL UNLESS THAT WITNESS' NAME AND ADDRESS IS LISTED, unless the Court rules, prior to trial, that there was good cause for failing to list such witness.

2. Case will be referred to Mediation Tribunal: **[Mediation]**.

Sample

3. The discovery cut-off date is: **[Discovery Cutoff]**. ALL DISCOVERY SHALL BE INITIATED WELL IN ADVANCE OF THE DISCOVERY CUT-OFF DATE. MOTIONS TO COMPEL, IF NECESSARY, MUST BE **FILED AND HEARD** BEFORE THE DISCOVERY CUT-OFF DATE.

4. Dispositive motions (summary judgment, etc.), if any, shall be filed by: **[Dispositive Motions]**. (See comment below on motion practice.)

5. Motions in limine must be filed with the Court before the pretrial/settlement conference date. **No motions in limine will be heard on day of trial.**

6. The proposed pretrial order shall be submitted to the Judge's Chambers at the Final Pretrial Conference. Instructions are attached (page 4). FAILURE TO SUBMIT A TIMELY PRETRIAL ORDER WILL RESULT IN THE ISSUANCE OF SANCTIONS.

7. FINAL PRETRIAL/SETTLEMENT CONFERENCE IS SCHEDULED FOR: **[Final Pretrial] at 2:00 p.m.** TRIAL COUNSEL MUST BE PRESENT, AS WELL AS THE CLIENTS AND/OR THOSE WITH FULL AUTHORITY TO ENGAGE IN SETTLEMENT NEGOTIATIONS.

***THE COURT DECLINES TO FOLLOW RULE 16.1(f) (THE SO-CALLED "ONE SIZE FITS ALL" RULE). ACCORDINGLY, THE FINAL PRETRIAL CONFERENCE DATE SHALL REMAIN AS LISTED ABOVE, NOTWITHSTANDING ANY PENDING PRETRIAL MOTIONS UNLESS OTHERWISE ORDERED BY THE COURT.

8. **Joint jury instructions** for jury cases, or individual proposed findings of fact and conclusions of law for non-jury cases, must be submitted to the Court on the first day of trial. Joint jury instructions shall only include instructions on the substantive law and shall not include preliminary instructions, headings, citations, or captions. Joint jury instructions shall be submitted in paper form **and** on 3.5" computer diskette, compatible with WordPerfect 8.0. **Trial briefs must be submitted at least 3 days before trial.** (See Local Court Rule 39.2).

9. Parties are to exchange copies of all exhibits or divulge and permit an opportunity to review exhibits not capable of being copied, at least 20 days prior to the month in which the case is scheduled for trial.

All proposed exhibits are to be jointly premarked and indexed. If the parties do not agree upon a proposed exhibit, any objections must be made in writing and submitted to the Court at least three (3) days before trial.

In jury cases, the Court shall be furnished with a copy of all proposed documentary exhibits **IN BINDERS** with a typed index. In non-jury cases, the Court shall be furnished with two (2) copies of all proposed documentary exhibits **IN BINDERS** and two (2) typed indexes.

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10. All depositions shall be edited prior to the Final Pretrial/Settlement Conference date. The Court will not hear any motions or objections regarding the content of depositions after the Final Pretrial/Settlement Conference.

11. The case is assigned for: **[(Jury Trial) or (NonJury Trial)]** on the Court's trailing docket for: **[Trial Month and Year]**.

12. When each attorney for each party in any suit desires an early trial date and will dispatch all pretrial motions, this Court will assure the earliest open date for trial. ***Call Ms. Thebolt, Court Clerk at (313) 234-5111.**

*QUESTIONS CONCERNING THIS SCHEDULING ORDER SHOULD BE DIRECTED TO THE COURT'S COURTROOM DEPUTY CLERK, BERNADETTE THEBOLT, AT (313) 234-5111.

MOTION PRACTICE

Counsel are expected to comply with Rule 7.1, Local Rules of this Court, including the requiring of filing responses and briefs within ten (10) days after service of motion.

Oral arguments on motions will not be held unless, upon consideration, the Court so orders. If the Court does order oral argument, reasonable notice of a date and time will be given to all counsel. E.D. Mich. Local R. 7.1(e)(2).

Dated: August 17, 2001

_____
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT COURT

PURSUANT TO RULE 77(d), FRCivP, COPIES
HAVE BEEN MAILED TO THE FOLLOWING:

[Attorney's Name]
[Attorney 2]

_____
DEPUTY COURT CLERK

Sample

REQUIREMENTS FOR PROPOSED JOINT PRETRIAL ORDER

Counsel for plaintiff(s) shall assume the responsibility for convening a conference for all parties to confer and collaborate in formulating a short, concise pretrial order which is to be drafted by counsel for the plaintiff(s), approved and signed by counsel for all parties, and submitted to the Court for approval and adoption. Notwithstanding E.D. Mich. Local Rule 16.2(d), the Order shall provide that trial briefs, proposed findings of fact and conclusions of law in non-jury cases or requests for instructions in jury cases shall be filed on the **FIRST** day of trial. The Order shall provide for the signature of the Court, which, when signed, will become an Order of the Court. *AN ORIGINAL AND ONE COPY IS TO BE SUBMITTED TO THE COURT.*

THE PROPOSED PRETRIAL ORDER SHALL CONTAIN, UNDER APPROPRIATE CAPTIONS, THE FOLLOWING IN THE FOLLOWING ORDER:

1. Statement of claim or claims of plaintiff(s), including legal theories.

2. Statement of claim or claims and defense of defendant(s), and third-party plaintiff, and defense of third-party defendant, including theories.

3. Stipulation of facts, as far as possible, including jurisdiction.

4. Issues of fact remaining to be litigated.

5. Issues of law to be litigated.

6. Evidence problems likely to arise at trial.

7. Witnesses: Indicate which will be called in the absence of reasonable notice to opposing counsel to the contrary, and which may be called as a possibility only.

   A. Witnesses for plaintiff(s).
   B. Witnesses for defendant(s).
   C. This requirement shall not apply to rebuttal witnesses, the necessity of whose testimony cannot be reasonably anticipated before trial.

8. An itemized statement of special damages. Counsel are requested to stipulate to those items not in dispute.

9. Estimated length of trial. Indicate whether jury or non-jury.

   A. Time for plaintiff's proofs.
   B. Time for defendant's proofs.
   C. Do you wish to waive jury trial at this time?
   D. Do you stipulate to less than a unanimous verdict?

10. A statement that counsel have met, conferred and considered the possibility of settlement, giving place, time, and date and the current status of these talks **(jury cases only)**, as well as plans for further talks on the subject.

FAILURE TO SUBMIT A TIMELY PROPOSED JOINT PRETRIAL ORDER MAY RESULT IN THE ISSUANCE OF SANCTIONS

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