

IT IS THE RESPONSIBILITY OF COUNSEL TO READ THE ENTIRE ORDER
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Plaintiff(s),

vs

Case No:
Honorable Victoria A. Roberts
Magistrate Judge

Defendant(s).
_____ /

SCHEDULING ORDER (PHASE I)

**PLEASE DOCKET IMMEDIATELY;
NO FURTHER NOTICE OF THESE DATES WILL BE SENT**

1. Exchange of Initial Disclosures under FRCP 26(a)(1): _____.
2. Deadline to Amend: _____.
3. Deadline for identification of all witnesses, including experts: _____.
.
(Expert disclosure must be accompanied by a written report of the expert, as required by FRCP 26(a)(2), unless the parties stipulate otherwise.) Please note that expert opinions cannot change between the date for close of discovery and date trial is to begin.
4. Discovery Motions **must be filed by**: _____.
5. Deadline for **completing discovery**: _____.
6. Settlement/Status Conference date and time: _____.

Is Settlement Conference referred to Magistrate Judge? Yes No
7. Date to submit Settlement Conference Summary: _____.

CLIENTS MUST BE PRESENT AT SETTLEMENT/STATUS CONFERENCE. IF ATTORNEYS MUST CONSULT WITH AN INSURANCE COMPANY AGENT, OR

SUPERVISING ATTORNEY, IN ORDER TO PARTICIPATE MEANINGFULLY IN SETTLEMENT DISCUSSIONS, SUCH AGENT, OR SUPERVISING ATTORNEY, MUST BE PRESENT AS WELL. SANCTIONS WILL BE IMPOSED IF PERSON WITH FULL SETTLEMENT AUTHORITY FAILS TO APPEAR.

In preparation for the Settlement/Status Conference, each side must provide the Court with a summary, **no more than 3 pages in length**, containing the following information. Please deliver one copy directly to chambers. **Do not file with the Clerk of the Court; do not serve opposing counsel.**

1. Statement of Claim/Defenses;
2. Applicable law and burdens of proof, and any difficulties you foresee in meeting your burden;
3. How you would present this case if you were on the opposing side (it is exceedingly important that you present this section objectively. **Do Not** resort to becoming advocate, again, on behalf of your client.);
4. Statement of Damages—for the Plaintiff, how you intend to prove them, and for the Defendant, how you intend to meet Plaintiff’s claim for damages;
5. All relevant documents;
6. Litigation expenses to date, and your estimation of costs/attorney fees were this matter to go to trial; and
7. Honest evaluation, Plaintiff of what you will settle for and, Defendant, what you will pay. The parties are urged to state serious evaluations. If it appears from the figures provided that settlement would be futile, the Court **WILL CANCEL** the Settlement Conference and simply provide dates through trial. An exercise in futility, for example, would be one in which the Plaintiff states he/she will settle for \$300,000, and the Defendant will only pay \$10,000. Remember, the figures you provide are for the Court only, and not opposing counsel.

Each side should be prepared to present an oral summary of their case to the other, on the day of the conference.

PLEASE NOTE THE FOLLOWING:

1. The parties **may not stipulate** to extend any dates if it impacts the settlement conference date set by the Court.
2. **Briefing Schedule:** Unless specifically addressed in this Order, the local court rules

apply for filing responses and replies to motions.

3. **All briefs** shall comply strictly with LR 7.1 (Statement of Issues, Statement of Controlling/Most Appropriate Authority), and, in addition, must contain a Table of Contents, an Index of Authorities and an Index of Exhibits. The Exhibits must be tabbed. **Counsel are to highlight relevant portions of cases and/or exhibits to which the Court's attention should be directed.** Furthermore, the format requirements as set forth in LR 5.1 must be strictly adhered to.
4. Counsel are advised to **bring their calendars** to the Settlement Conference because if the case fails to settle, the Court will set other dates, through trial, at that time.
5. **No dispositive motions** are allowed prior to the conclusion of the Settlement Conference.

THE ABOVE CONSTITUTES AN ORDER OF THIS COURT.

Dated:

Honorable Victoria A. Roberts
United States District Court

(Revised 8/13/03)