

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

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

ORDER RE:

1. Scheduling discovery and other Pretrial dates;
2. Setting forth brief format requirements;
3. Setting date for filing of final pretrial order;
4. Setting date of final pretrial conference;
5. Setting trial date;
6. Providing for content of final pretrial order and describing materials to be prepared and to be made available to the Court and counsel;
7. Dispositive Motion requirements; and
8. Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction.

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. *Dispositive Motions **must be filed by**:_____.

When filing motions for summary judgment, parties shall proceed in accordance with the following:

A. Before filing a motion for summary judgment or responding to such a motion, the parties are urged to familiarize themselves with Celotex Corp. v Catrett, 477 U.S. 317 (1986), Anderson v Liberty Lobby, Inc. 477 U.S. 242 (1986) and Matsushita Electric Industrial Co. Ltd. v Zenith Radio Corp. 475 U.S. 574 (1986). An excellent summary of these cases appears in Street v J.C. Bradford & Co., 886 F.2d 1472 (6th Cir. 1989). See also Schwarzer, Summary Judgment under the Federal Rules: Defining Genuine Issues of Material Fact, 99 F.R.D. 465 (1984).

B. Facts stated in the statement of material facts must be supported with citations to either the pleadings, interrogatories, admissions, depositions, affidavits or documentary exhibits. The text of any source cited should be filed with the Court as an appendix. The appendix shall contain an index and shall be tabbed.

C. Counsel are discouraged from employing elaborate boilerplate recitations of the summary judgment standard or lengthy string citations in support of well established legal principles. Instead, counsel should focus their analysis on a few well chosen cases, preferably recent and from controlling courts. Counsel are encouraged to supply the court with copies of their main cases. **Relevant passages must be highlighted.** Where unpublished opinions or opinions published only in a specialty reporter are cited, copies of the case must be submitted along with the brief.

D. The Court cautions the parties that it is not the Court's function to "figure out" what evidence they rely upon in support of claims or defenses. It is incumbent upon the parties to make substantive arguments, with specific references to the record, in support of **each** claim or defense asserted.

7. Deadline for filing motions in limine to exclude expert testimony ("Daubert motions"): _____.

8. Case Evaluation: _____.
(Case evaluation shall occur approximately four to six weeks before the Settlement Conference.)

_____ Parties stipulate to case evaluation sanctions and costs.

_____ Parties do not stipulate to case evaluation sanctions and costs.

9. Settlement Conference date and time: _____.

CLIENTS MUST BE PRESENT AT SETTLEMENT 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.

- 10. Deadline for filing Joint Pretrial Order:_____.
- 11. *Deadline for filing all other Motions in Limine:_____.
- 12. *Deadline for filing Responses to Motions in Limine:_____.
- 13. Final Pretrial Conference Date and Time:_____.
Trial counsel must be present at the Final Pretrial Conference.
- 14. Hearing on Motions in Limine:_____.
- 15. Trial date and time:_____.

Jury Trial _____

Non Jury Trial _____

NOTE: The parties may not stipulate to extend any dates other than discovery cut-off, and may not stipulate to extend that date if it impacts other dates set by the Court.

BRIEFING SCHEDULE: Unless specifically addressed in this Order, the local court rules apply for filing responses and replies to motion.

* **NOTE:** 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.

THE ABOVE SHALL CONSTITUTE AN ORDER OF THIS COURT.

Dated:

Honorable Victoria A. Roberts
United States District Court

**NOTICE OF AVAILABILITY OF A UNITED STATES
MAGISTRATE JUDGE TO EXERCISE JURISDICTION**

The Court has approved new LR 73.1, Special Designation to Exercise Civil Consent Authority (copy attached). Please be advised that upon notice to and consent of all parties (form attached), a United States Magistrate Judge may exercise full jurisdiction in this case. **LR 73.1
Special Designation to Exercise Civil Consent Authority**

(a) Authority of a Magistrate Judge. Upon consent of all of the parties, and upon approval of the district judge to whom the case is assigned through entry of an order of reference, a magistrate judge may conduct all proceedings in a civil case and order entry of judgment in the case.

(b) Notice of Consent Option. Upon the filing of a complaint or notice of removal in a civil case, the clerk will give the plaintiff or plaintiff's counsel or the removing defendant or removing defendant's counsel a notice/consent form (form) informing the parties that they may consent to have a magistrate judge conduct all proceedings in the case and order the entry of final judgment. The parties or their attorneys must sign the form if they consent to the exercise of dispositive authority by the magistrate judge. Plaintiff or plaintiff's counsel must attach a copy of the form to each copy of the complaint and summons served. A removing defendant or removing defendant's counsel must include the form with the notice of removal required under 28 U.S.C. §1446(a). Additional copies of the form may be furnished to the parties at later stages of the proceedings. The parties are free to withhold consent without adverse consequences, and any notice or other communication from the court under authority of this LR will so advise them. This section will not apply if the district judge so instructs the clerk.

(c) Execution of Consent. If all of the parties in a civil case consent to have the magistrate judge exercise the authority described in (a), the plaintiff or plaintiff's counsel must file with the clerk the form described in (b), signed by all parties or their attorneys. The clerk will not accept the form without all such signatures, and neither the form nor its contents may be made known or available to a district judge or magistrate judge if it lacks any signatures required under this LR. A party's decision regarding consent will not be communicated to a district judge or magistrate judge before a fully-executed form is filed. Consent in a civil case under (a) may be entered until 30 days before scheduled trial of the case unless otherwise ordered by the district judge.

(d) Reference of Civil Consent Case. Upon filing of an executed form as described in (c), the clerk will send it to the district judge. The district judge may then refer the case to the magistrate judge for all further proceedings. A magistrate judge may exercise consent jurisdiction only if the district judge enters an order specifically referring the case.

(e) Party Added After Consent Occurs. A party added to a civil case after reference of the case to a magistrate judge on consent will be given an opportunity to consent to the continued exercise of case-dispositive authority by the magistrate judge. The clerk will give the party a copy of the form described in (b). A party choosing to consent must, within 30 days of appearance, file with the clerk the form signed by the party or attorney. The case will be returned to the district judge for all further proceedings unless a form is properly signed and filed.

COMMENT: Review of matters referred under LR 73.1 is in the court of appeals. Review of matters referred under LR 72.1 is by the district judge.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

NOTICE, CONSENT, AND ORDER OF REFERENCE - EXERCISE
OR JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

Plaintiff(s),

vs

Case No:
Honorable:

Defendant(s).
_____ /

**NOTICE OF AVAILABILITY OF A UNITED STATES
MAGISTRATE JUDGE TO EXERCISE JURISDICTION**

In accordance with the provision of 28 U.S.C. §36(c) and Fed. R. Civ. P. 73, you are hereby notified that a United States Magistrate Judge of this district is available to conduct all proceedings in the case including a jury or non-jury trial and order of entry of final judgment.

You may, without adverse consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial district in the same manner as an appeal from any other judgment or a district court.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. §636(c) and Fed. R. Civ. P. 73, the parties in this case hereby voluntarily consent to have a magistrate judge conduct any further proceedings in the case, including trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

<u>SIGNATURE</u>	<u>PARTY REPRESENTED</u>	<u>DATE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

ORDER OF REFERENCE

IT IS HEREBY ORDERED that this case be referred to _____, United States Magistrate Judge, for all proceedings agreed to by the parties and the entry of judgment in accordance with 28 U.S.C. §636(c), Fed. R. Civ. P. 73 and the foregoing consent of the parties.

Date

United States District Judge

NOTE: Return this form to the Clerk of the Court **ONLY IF** all parties have consented **ON THIS FORM** to the exercise of jurisdiction by a United States Magistrate Judge.

(Revised 10/03)