UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

|  |  |
| --- | --- |
| [PARTY NAME(S)],  Plaintiff(s),  v.  [PARTY NAME(S)],  Defendant(s). | Case No. [##-#####]  Honorable Robert J. White |
| **joint discovery plan [TEMPLATE]** | |

A Rule 16 Scheduling Conference is scheduled for **[insert date]** at **[insert time]**.

1. **Counsel**: Appearing for the parties as counsel will be

[*List the counsel who will attend the scheduling conference. Counsel for all parties must attend. Parties not represented by counsel must appear in person. Parties who are represented are encouraged, but not required, to attend.*]

1. **Jurisdiction**: The basis for the Court’s jurisdiction is

[*Set forth a statement of the basis for the Court’s jurisdiction. Indicate all objections.*]

1. **Statement of the case**: This case involves

[*Set forth a brief description of the claims and defenses, sufficient to acquaint the Court with the core of the case as well as the factual and legal issues requiring judicial resolution.*]

[*If the claims arise from a contract or if the parties’ relationship is governed by a contract, the parties must explain the following:*

* *Whether the parties dispute the formation of a contract.*
* *Whether the contract contained a forum-selection clause, a choice-of-law clause, or an arbitration clause. If the contract contains any of these clauses, please quote the clauses in this section.*]

# Pendent state claims: This case [choose] include pendent state claims.

[*If pendent state claims exist, include a statement describing them, and any objections to the Court retaining them.*]

1. **Case management requirements**: The parties acknowledge that they have reviewed and will adhere to the Court’s [Case Management Requirements](https://www.mied.uscourts.gov/pdffiles/White_CivilCaseManagementRequirements.pdf).
2. **Joinder of parties and amendment of pleadings**: The parties expect to file all motions for joinder of parties to this action and to file all motions to amend the pleadings by **[insert date]**.

# Disclosures and exchanges: The parties have agreed to make available the following documents without the need of a formal request for production:

From Plaintiff(s) to Defendant(s): [*describe documents*].

From Defendant(s) to Plaintiff(s): [*describe documents*].

- ***or*** -

The parties cannot agree on voluntary production at this time.

# Discovery: The parties believe all discovery proceedings can be completed by [insert date]. The parties recommend the following discovery plan, and acknowledge that if the Court believes that discovery motions have been filed unnecessarily, in bad faith, or for vexatious or tactical reasons, the Court may appoint a Discovery Master to shift the costs of disposing of these motions from the Court to the parties:

[*As required by Fed. R. Civ. P. 26(f), set forth proposed plan of discovery. A separate discovery plan need not be filed along with what is submitted here. Also set forth any recommendations as to limitations on discovery. The parties should consult the Court’s* [*Example Scheduling Order*](https://www.mied.uscourts.gov/pdffiles/White_CivilSchedulingOrder.pdf) *to view the recommended timeline for most actions.*]

|  |  |
| --- | --- |
| **EVENT / FILING** | **DATE / TIMEFRAME** |
| Amendment of pleadings | **[insert date]** |
| Lay and expert witness lists filed | **[insert date]** |
| Interim status conference | **[insert date]** |
| Discovery completed by | **[insert date]** |
| Expert discovery completed by | **[insert date]** |
| Dispositive motions filed by | **[insert date]** |

# Disclosure / discovery of electronically stored information (ESI): The parties have discussed ESI production and suggest that it be handled as follows:

[*State whether any party has electronically stored information that will be subject to disclosure or discovery and set forth any proposals concerning the form of production.*]

# Assertion of privilege or work-product immunity after production:

[*State whether the parties have agreed on a procedure to address claims of privilege or work product immunity for items inadvertently produced during discovery.*]

# Motions: The parties acknowledge that:

1. Local Rule 7.1 requires a moving party to ascertain whether any motion will be opposed. All motions must affirmatively state the efforts of the moving party to comply with the obligation created by Local Rule 7.1.
2. The parties must append the [Brief Format Certification Form](https://www.mied.uscourts.gov/pdffiles/White_BriefCertificationForm.docx) to the back of every brief filed with this Court. The brief will be stricken if the form is not attached. The Court’s requirements for briefs are as follows (many of these requirements are listed on the Brief Format Certification Form as well).
3. All nondispositive motions must be accompanied by a certificate setting forth in detail the efforts of the moving party to comply with the obligation created by Local Rule 7.1.
4. All discovery motions must be accompanied by a certificate and any relevant documentation or correspondence detailing the movant’s attempts to seek resolution of the discovery dispute before filing the motion. The parties also acknowledge that Fed. R. Civ. P. 78(b) allows the Court to submit and determine motions on the briefs, without a hearing.

The following dispositive motions are contemplated by each party:

[*Set forth all contemplated dispositive motions.*]

# Alternative Dispute Resolution: The parties acknowledge that if they attend a private mediation, they will provide the Court with the mediator’s contact information along with the date of the mediation in advance. The parties also acknowledge that the Court reserves the right under Local Rule 16 to order alternative dispute resolution. Accordingly, the parties recommend that this case be submitted to the following method(s) of alternative dispute resolution:

[*Set forth each party’s position for the preferred method, if any, of alternative dispute resolution. Methods used in this district include, but are not limited to, facilitative mediation (Local Rule 16.4), case evaluation (Local Rule 16.5 and MCR 2.403), settlement conferences (Local Rule 16.6), and other procedures (Local Rule 16.7).*]

# Jury or bench trial: This case is to be tried [choose one].

# Trial length: Counsel estimate the trial will last approximately [insert number] days total, from 8:30 a.m. to 2:00 p.m. each day, allocated as follows:

**[insert number]** days for Plaintiff’s / Plaintiffs’ case(s)

**[insert number]** days for Defendant’s / Defendants’ case(s)

**[insert number]** days for other parties

# Prospects of settlement: The status of settlement discussions is

[*Detail persons present during negotiations, progress toward settlement, and issues that inhibit settlement.*]

# Electronic document filing system: Counsel acknowledges that Local Rule 5.1 requires that attorneys file and serve all documents electronically via the Court’s CM/ECF system, unless excused from electronic filing on motion for good cause shown. All counsel must abide this rule. Pro se parties (litigants representing themselves without the assistance of a lawyer) acknowledge that they must submit their documents to the Clerk of the Court on paper, in a form complying with the requirements of the local rules. Counsel opposing a pro se party acknowledges that they must file documents electronically but serve pro se parties with paper documents in the traditional manner.

# Other:

[*Set forth any special characteristics or other factors relevant to the case that may warrant extended discovery, accelerated disposition by motion, or other factors relevant to the case. The Joint Discovery Plan must be approved and signed by all counsel of record and by any party who represents one party.*]

**STIPULATED TO:**

/s/ [insert signature]

Attorney for Plaintiff [insert party name]

Dated: [choose date]

/s/ [insert signature]

Attorney for Defendant [insert party name]

Dated: [choose date]