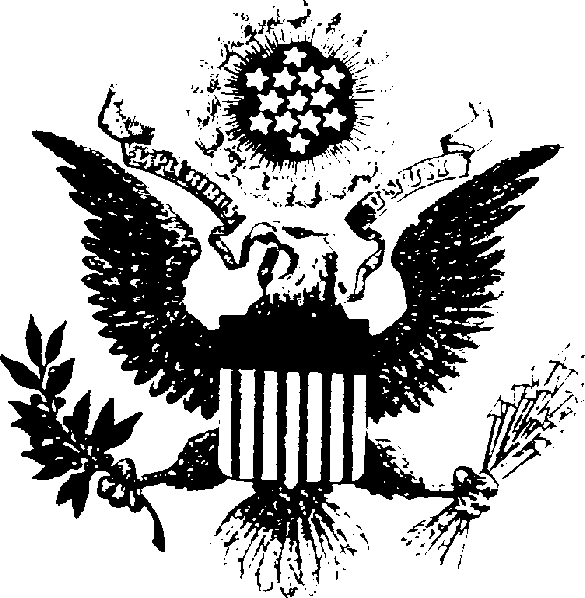
UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA



**NOTICE TO COUNSEL**

# The attached **Conference and Scheduling Order** contains a number of important changes required by recent amendments to the Federal Rules of Civil Procedure and the Local Civil Rules of the District of South Carolina, effective December 1, 2000. Additional amendments to the Local Civil Rules became effective August 1, 2001.

Counsel should carefully review the Order and **note all deadlines on a calendaring system.**

# Counsel should also review the referenced rules and become familiar with these significant changes which became effective December 1, 2000, as well as the August 1, 2001 amendments.

The amended Local Civil Rules for the District of South Carolina and Overview are available on this District’s website at:

[**www.scd.uscourts.gov**](http://www.scd.uscourts.gov/)

IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA  
{{ Division }} DIVISION

) C. A. No. {{ CaseNum }}

)

Plaintiffs, )

## ) CONFERENCE AND

-versus- ) **SCHEDULING ORDER**

)

)

)

Defendants. )

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for this case. Discovery may begin upon receipt of this order.

1. A conference of the parties pursuant to Fed. R. Civ. P. 26(f) shall be held no later than **{{ Conference }}**.1 At conference the parties shall confer concerning all matters set forth in Fed. R. Civ. P. 26(f) and whether the schedule set forth in this order is appropriate and, if not, what modifications are necessary.2
2. No later than **{{ InitialDisc }}** the required initial disclosures under Fed. R. Civ. P. 26(a)(1) shall be made.3

1Plaintiff’s counsel shall initiate the scheduling of the Rule 26(f) conference with all counsel known to plaintiff regardless of whether they have filed appearances.

2The parties shall also consider whether they wish to consent to trial before a United States Magistrate Judge. *See* Notice of Availability of United States Magistrate Judge at [**www.scd.uscourts.gov**.](http://www.scd.uscourts.gov/)

3 Pursuant to Fed. R. Civ. P. 26(a)(1), the parties may, by stipulation, agree not to make some or all of the Rule 26(a)(1) initial disclosures. If such a stipulation is made, it shall be confirmed in writing between the parties. *See* Fed. R. Civ. P. 29 and Local Civil Rule 29.01.

1. No later than **{{ ReportFiling }}** the parties shall file a Rule 26(f) Report in the form attached to this order, Parties are hereby notified that Local Civil Rule 26.03 lists additional queries to be answered in the Rule 26(f) Report.
2. Motions to join other parties and amend the pleadings (Fed. R. Civ. P. 16(b)(1)) shall be filed no later than **{{ JoinAmend }}**.
3. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and specifying each subject matter to which each expert is expected to testify to by **{{ PlaIDExperts }}**. (Fed. R. Civ. P. 26(a)(2)).4
4. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and specifying each subject matter to which each expert is expected to testify to by **{{ DftIDExperts }}.** (Fed. R. Civ. P. 26(a)(2)). *See* footnote 4.
5. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **{{ Custodian }}**. Objections to such affidavits must be made within fourteen (14) after the service of the disclosure. (*See* Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
6. Discovery shall be completed no later than **{{ Discovery }}**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02.
7. Motions in limine must be filed at least one week prior to date of trial.

4Concurrent with the identification of each expert and subject matter, each party shall serve (but not file): 1) a complete copy of the most current curriculum vitae of each expert or a detailed summary of his or her qualifications to testify on each identified subject; 2) (a) a complete statement of all opinions to be expressed by each expert and the basis and reasons therefor; (b) the data and other information considered by the expert in forming the opinions, (c) any exhibits to be used as a summary of or support for the opinions, and (d) citations of any treatise, text or other authority upon which each expert especially relied; and 3) a copy of each expert's report if a report has been prepared.

1. This district has implemented an Alternative Dispute Resolution ("ADR") program and requires counsel to provide ADR information to the party and to discuss the advisability and timing of ADR with both the party and opposing counsel. *See* Local Civil Rules 16.02(C)(4)-(5) & 16.03. Materials related to the availability of ADR in the district are attached hereto. No later than **{{ ADRDate }}**, counsel for each party shall file and serve the ADR Statement and Certification required by Local Civil Rule 16.03 certifying that counsel has (1) provided the party with the attached ADR information and the Standing Order to Conduct Mediation of Judge Norton referenced below; (2) discussed the availability of mediation with the party; and (3) discussed the advisability and timing of mediation with opposing counsel.5
2. All other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before **{{ OtherMotion }}**. (Fed. R. Civ. P. 16(b)(2)).
3. Mediation, pursuant to Local Civil Rule 16.04-16.12, shall be completed in this case on or before **{{ Mediation }}***.6*
4. No later than **{{ PretrialBriefs }}**, the parties shall file and exchange Fed.

R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter- designations under Fed. R. Civ. P. 32(a)(4).

1. Parties shall furnish the Court pretrial briefs five (5) business days prior to the date set for trial. Attorneys shall meet at least five (5) business days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. *See* Local Civil Rule 26.07.

5ADR Statement and Certification form available at [**www.scd.uscourts.gov**.](http://www.scd.uscourts.gov/)

6Standing Order to Conduct Mediation of Judge Norton, which sets forth additional mediation requirements applicable to this case available at [**www.scd.uscourts.**](http://www.scd.uscourts/) **gov**.

1. This case is subject to being called for jury selection and trial on or after **{{ JurySelDate }}**.

s/David C. Norton

United States District Judge

Charleston, South Carolina {{ Today }}

Pursuant to Local Civil Rule 83.I.08, this order is being sent to local counsel only.

## Any forms referred to in this order may be obtained by accessing [www.scd.uscourts.gov](http://www.scd.uscourts.gov/)