Rev. 5/2013 IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA

{{Division}} DIVISION

C/A No.: **{{CaseNum}}**

|  |  |  |
| --- | --- | --- |
| Plaintiff | Plaintiff, | )  )  )  ) |
| vs.  Defendant | Defendant. | )  )  )  )  ) |

**SCHEDULING ORDER**

)

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules, the court establishes the following schedule for this case. This order is entered to administer the trial of this case in a manner consistent with the ends of justice, in the shortest possible time, and at the least possible cost to litigants. Discovery may begin upon receipt of this order.

1. Rule 26(f) Conference: The parties shall conduct a conference pursuant to Rule 26(f) no later than **{{Conference}}.**1
2. Rule 26(a)(1) Initial Disclosures: The parties shall exchange the required initial disclosures under Rule 26(a)(1) by **{{InitialDisc}}**. Judge Anderson does not permit counsel to waive these disclosures.
3. Rule 26(f) Report: The parties shall file a Rule 26(f) Report by **{{ReportFiling}}**, in the form attached to this order and shall answer the additional queries required by Local Rules 26.02 and 26.03.
4. Amendment of Pleadings: Any motions to join other parties and to amend the pleadings shall be filed by **{{JoinAmend}}**.2
5. Discovery Status Report: 60 days from the date of this scheduling order, the court will issue an order requiring the parties file a report on the status of discovery.

1 Plaintiff’s counsel shall initiate the scheduling of the Rule 26(f) conference.

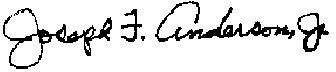
2 This is the earliest deadline for a very important reason: to allow discovery to address all issues and all potential parties. Late requests to amend are, therefore, strongly discouraged, especially if the amendment would add a party. Any request to amend after the scheduling order deadline should include an explanation of why the amendment could not have been sought earlier. Parties who delay seeking to amend until late in the litigation, especially as to known potential parties, risk denial of their motions.

1. Expert Witnesses: *(See footnote below for important changes in this Rule.)* The parties shall file and serve the witness disclosures required by Rule 26(a)(2)(B) and (C) by the following dates:3

Plaintiff: **{{PlaIDExperts}}**

Defendant: **{{DftIDExperts}}**

1. Discovery: All discovery shall be completed by **{{Discovery}}**. The parties shall serve all discovery requests in time for the responses thereto to be made by this deadline.
2. Dispositive Motions: The parties shall file any dispositive motions by **{{DispMotions}}**.
3. Trial: This case will go to trial during the two-month term of Court beginning **{{JurySelDate}}**.4 Note: this is not a “subject to being called on or after” date. This is a firm trial date. Counsel, parties and witnesses should plan their schedules, including vacations, accordingly.

IT IS SO ORDERED.

{{OrderIssued}} Joseph F. Anderson, Jr.

Columbia, South Carolina United States District Judge

3 The rules governing expert witness disclosures changed effective December 1, 2010. Rule 26(a)(2)(B) or “2B”witnesses are those traditional expert witnesses who must prepare a written report ( for example, a witness retained or specially employed to provide expert testimony in the case or one whose duties as the parties’ employee regularly involves giving expert testimony). The new category of expert witnesses covered by 26(a)(2)(C) or “2C” witnesses are not experts in the traditional sense of being retained specifically to provide expert testimony. Rather, they are witnesses such as a treating physician or an employee who may have certain expert-type information and who may offer some type of expert opinion testimony along with his or her fact testimony. As to these “2C” witnesses, new Rule 26(a)(2)(C) requires a summary disclosure be made by the attorney (not the witness) of the subject matter on which the witness is expected to present expert testimony and a summary of the facts and opinions to which the witness is expected to testify.

4 The Court exempts this case from the pretrial disclosure requirements of Rule 26(a)(3). However, the Court expects strict compliance with Local Rule 26.07 (obligation to meet, mark, and exchange exhibits) and Local Rule 26.05 ( pretrial briefs).

**SPECIAL NOTICE TO COUNSEL WITH CASES BEFORE JUDGE JOSEPH F. ANDERSON, JR.**

*Please carefully review the following instructions that relate to problems which frequently arise regarding scheduling orders and related litigation management issues*.

**COMMUNICATIONS WITH CHAMBERS**

All communications with the Court must be in writing and filed in the CM/ECF docket. It is never appropriate for counsel to call to speak with Judge Anderson on a case-related matter, and it is rarely appropriate for attorneys to copy the Court on correspondence between counsel. Facsimile should not be used unless a member of chambers staff has requested or approved the use of facsimile. Counsel should not post to the firm’s directory or otherwise distribute the facsimile number of chambers.

**EXTENSION OF DEADLINES**

Requests for extensions of time or protection via email, fax, mail or telephone are not accepted. The deadlines in scheduling orders issued by this Court are established with careful consideration to the nature of the case and the amount of time necessary for discovery. For this reason, extensions should seldom be necessary. If, however, it becomes necessary to seek an extension, the court will only consider an extension requests made by a motion in compliance with Local Rule 6.01 addressing the following:

1. Date of the current deadline;
2. Whether the deadline has been previously extended;
3. The number of additional days requested and the proposed new deadline;
4. Whether the extension would affect other deadlines;
5. The reasons for the requested extension;
6. The extent to which the parties have diligently pursued discovery during the originally specified period. This showing requires a specification of the discovery (including deposition by witness name and date) which has been completed and the depositions including witness name) and other discovery which remain to be completed.
7. Whether opposing counsel consents to or opposes the extension.

Do not wait until the last day before the deadline to request an extension. Do not call chambers to determine if the extension has been granted. You may check the docket through CM/ECF. Absent extraordinary circumstances, requests should be made sufficiently in advance to allow you to receive a response before the deadline passes. *See* Local Civil Rule

6.01 and 6.02.

**PROPOSED ORDERS**

The court maintains an email account for the sole purpose of receiving NEFs and proposed orders. However, proposed orders are rarely necessary and should not be submitted in conjunction with motions related to scheduling, discovery or dispositive motions. Before preparing a proposed order, counsel may consider asking chambers whether a proposed order would be useful. In the event a proposed order is requested or otherwise appropriate, counsel should file the proposed order as an exhibit to the relevant motion, and email a copy of the proposed order to [janderson\_ecf@scd.uscourts.gov](mailto:janderson_ecf@scd.uscourts.gov) in a WORDPERFECT document (Times New Roman, 13 pt., double-spaced). Do not include the Judge’s signature or date block or counsels’ signature block. If the motion is by consent, include all counsels’ consents in the motion, and not on the order.

**COURTESY COPIES**

Please provide a bound and tabbed courtesy copy to chambers of motions, related memoranda, and attachments if these documents together exceed 35 pages. Otherwise, no courtesy copies should be sent to chambers. In CM/ECF, each attachment (including exhibits) should be filed as a separate document to the main pleading and labeled with a description (i.e., “John Smith’s Deposition” and not “Exhibit A”).

**WEBSITE**

The District of South Carolina maintains a website (www.scd.uscourts.gov) with various forms and resources, including Judge Anderson’s Filing Preferences, information on the filing of confidential and sealed documents pursuant to Local Civil Rule 5.03, as well as Judge Anderson’s BAR NOTICE AND SPECIAL PRETRIAL INSTRUCTIONS.

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

Plaintiff )

) C/A No.: **{{CaseNum}}**

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|  |  |  |
| --- | --- | --- |
|  | Plaintiff, | ) |
| v. |  | ) RULE 26(F) REPORT  ) |
| Defendant | Defendant. | )  )  ) |
|  | | ) |

The parties, having consulted pursuant to Rule 26(f), Fed. R. Civ. P., hereby report as follows (check one below):

We agree that the schedule set forth in the Scheduling Order issued **{{OrderIssued}}** is appropriate for this case. **The parties’ proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 will be separately filed by the parties.**

We agree that the schedule set forth in the Scheduling Order issued **{{OrderIssued}}** requires modification as set forth in the attached proposed Consent Amended Scheduling Order (use same format as the Court’s standard scheduling order attached hereto). The reason for the modification is attached. **The parties’ proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 will be separately filed by the parties.**

We are unable, after consultation, to agree on a schedule for this case. Therefore, we request a scheduling conference with the Court. **The parties’ proposed discovery plan as required by 26(f) Fed. R. Civ. P., with disagreements noted, and the information required by Local Civil Rule 26.03 will be separately filed by the parties.**.

Plaintiff(s) Defendant(s)

*Signature of Plaintiff’s Counsel Signature of Defendant’s Counsel*

*Printed Name of Plaintiff’s Counsel Printed Name of Defendant’s Counsel*

*and Party Represented and Party Represented*

Date: Date: