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

\*, )

)

Plaintiff, ) C/A No. {{ CaseNum }}

)

v. )

# ) SCHEDULING ORDER

\*, )

)

Defendant\*. )

)

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

1. Motions to join other parties and amend the pleadings (Fed. R. Civ. P. 16(b)(1)) shall be filed no later than **{{ JoinAmend }}**.
2. 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 certifying that a written report prepared and signed by the expert including all information required by Fed.R.Civ.P. 26(a)(2)(B) has been disclosed to other parties by **{{ PlaIDExperts }}**.
3. 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 certifying that a written report prepared and signed by the expert including all information required by Fed.R.Civ.P. 26(a)(2)(B) has been disclosed to other parties by **{{ DftIDExperts }}**.
4. The parties 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) days 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)).
5. Discovery shall be completed no later than **{{ Discovery }}**. All discovery requests, including subpoenas *duces tecum*, shall be served in time for the responses thereto to be served by this date. De bene esse1 depositions must be completed by discovery deadline. The

1This term refers to a deposition of a witness who may be unable to attend any trial in person at that time, or cannot be produced. This deposition may then be used at the trial under certain circumstances.

parties are urged to attempt to resolve discovery disputes prior to presentation to the Court.

1. All other motions, except those to complete discovery and 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)).
2. Mediation, pursuant to Local Civil Rules 16.04 – 16.12, shall be completed in this case on or before **{{ Mediation }}**. See attached Standing Order of the Honorable R. Bryan Harwell, United States District Judge, which sets forth mediation requirements. At least thirty (30) days prior to this mediation deadline, the parties shall file and serve a statement certifying that the parties have: (1) been provided with a copy of Judge Harwell’s Standing Order; (2) discussed the availability of mediation; and (3) discussed the advisability and timing of mediation.

# IT IS SO ORDERED.

{{ OrderIssued }} Columbia, South Carolina

Attachments:

s/Paige J. Gossett Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

* 1. Standing Order for Mediation.
  2. Notice of Availability of United States Magistrate Judge.
  3. Mediation Form.

# STANDING ORDER TO CONDUCT MEDIATION

Mediation is to be completed in this matter as defined herein. If a **Conference and Scheduling Order** has been issued in this case, mediation must be conducted in accordance with the dates outlined in said document. If your case does not have a specific deadline outlined in a scheduling order, mediation order or any other form of court directive, mediation must be completed no later than two **weeks** prior to the beginning of the term of court. Upon completion of the mediation, counsel shall advise the court promptly in writing only that the mediation has occurred, the date of the mediation, whether the case was settled in whole or in part, and whether a trial is necessary.

Attorneys primarily responsible for handling the trial, parties and/or insurer representatives with full settlement authority1 are **ORDERED** to be present in person and will be excused only for good cause shown. Every person who is excused from attending in person must be available to participate by telephone, unless otherwise ordered. At the mediation, primary trial counsel, along with parties and/or their insurer representatives, should be prepared to participate in a mutual, good faith effort to negotiate a fair and reasonable settlement. All necessary discovery must be completed prior to mediation. Lack of discovery or settlement authority is no excuse for failure to appear and/or participate. See Local Rule 16.09 DSC.

Communications made in connection with or during the mediation are confidential and protected by Federal Rules of Evidence 408, Local Rule 16.08(C) DSC, and Federal Rule of Civil Procedure 68. If a settlement is not reached at the mediation, settlement discussions are neither admissible at trial nor to be disclosed to the presiding judge, see Local Rules 16.08(C) and 16.10(H)DSC, except as allowed by Local Rule 26.05(F) DSC.

If any reason exists why any person, party or counsel subject to this Order should not participate in this mediation, the court is to be advised of these reasons in writing immediately.

Notices have been mailed to all counsel of record and any pro se parties. Counsel are responsible for notifying and ensuring the presence of parties and/or insurer representatives as described above.

Any questions concerning the selection of a mediator or the mediation process generally should be referred to the court’s ADR Program Coordinator, Billie Goodman, at (803) 253-3491.

# AND IT IS SO ORDERED.

1“Full settlement authority” for the defendant means an individual who can decide to offer the plaintiff a sum up to the existing demand of the plaintiff or the policy limits of any applicable insurance policy, whichever is less. “Full settlement authority” for the plaintiff means the plaintiff himself or herself or a representative of the plaintiff who can make a binding decision on behalf of the plaintiff or plaintiffs.

AO 85 (Rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge

UNITED STATES DISTRICT COURT

for the

District of South Carolina

)

, )

Plaintiff )

v. ) Civil Action No. {{ CaseNum }}

, )

Defendant )

# NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

*Notice of a magistrate judge’s availability*. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge’s authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Parties’ printed names

Signatures of parties or attorneys

Dates

# Reference Order

**IT IS ORDERED**: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date:

District Judge’s signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

**MEDIATION INITIATION FORM**

Case: \* v. \****,***C/A No. {{ CaseNum }}-RBH-PJG

Please check the applicable box to indicate the status of the above referenced case:

D case settled prior to or without mediation

D case dismissed by court or pending ruling on summary judgment motion

D case to proceed to trial

D case continued to next term

*OR*

D case will be or has been mediated *(complete the following information):*

Mediator Name: Mediator Phone No.

Date Mediation Scheduled to Occur *or* Date Mediation Completed:

Submitted by: Signature:

*(Printed name of counsel)*

For which party?: Date:

*(Name of party counsel represents)*

Please fax completed form to Billie Goodman, ADR Program Coordinator @ 803-253-3591 or mail to 901 Richland Street, Columbia, SC 29201.