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

,

Plaintiff(s),

v.

,

Defendant(s).

) C/A No. {{CaseNum}}

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# ) SCHEDULING ORDER

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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

1. No later than **{{InitialDisc}}** the required initial disclosures under Fed. R. Civ.

P. 26(a)(1) shall be made.2

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 DSC lists additional queries to be answered in the Rule 26(f) Report. See also Local Civil Rule 26.02 DSC (rules for answering court interrogatories).
2. Motions to join other parties and amend the pleadings (Fed. R. Civ. P. 16(b)(1)) shall be filed no later than **{{JoinAmend}}**.

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. At conference, the parties shall confer concerning all matters set forth in Rule 26(f) and whether the schedule set forth in this order is appropriate and, if not, what modifications are necessary. See attached Rule 26(f) Report. The parties shall also consider whether they wish to consent to trial before a United States Magistrate Judge. See attached Notice of Availability of United States Magistrate Judge.

2Pursuant 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 DSC.

1. The parties shall file and serve a document identifying by full name, address, and telephone number each person whom they expect to call as an expert at trial by the following dates:3

Plaintiff(s): **{{PlaIDExperts}}**

Defendant(s): **{{DftIDExperts}}**

1. 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 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, and have had a telephone conference with Judge Hodges in an attempt to resolve the matter informally.
2. All dispositive motions shall be filed on or before **{{OtherMotion}}**. (Fed. R. Civ. P. 16(b)(2)).

# IT IS SO ORDERED.

Shiva V. Hodges

UNITED STATES MAGISTRATE JUDGE

{{ OrderIssued }}

Columbia, South Carolina

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

Attachments:

* 1. Rule 26(f) Report Form.
  2. Notice of Availability of United States Magistrate Judge.

3See Fed. R. Civ. P. 26(a)(2) and (a)(2)(B). Note that while Fed. R. Civ. P. 26(a)(2) does not require filing any portion of the written report or disclosure, Judge Anderson requires filing of a document which identifies the expert and certifies compliance with this rule.

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# ) RULE 26(f) REPORT

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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 Conference and Scheduling Order filed 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 Conference and Scheduling Order filed requires modification as set forth in the proposed Consent Amended Scheduling Order which will be -e-mailed to chambers as required (use format of the Court’s standard scheduling order). **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. We, therefore, 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.

(SIGNATURE PAGE ATTACHED)

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*

*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*

*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*

*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*

Dated: Dated:

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

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| --- | --- | --- |
| , |  | ) |
|  | Plaintiff(s), | ) |
| v. |  | ) Civil Action No. {{CaseNum}} |
| , |  | ) |
|  | Defendant(s). | ) |

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# 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.