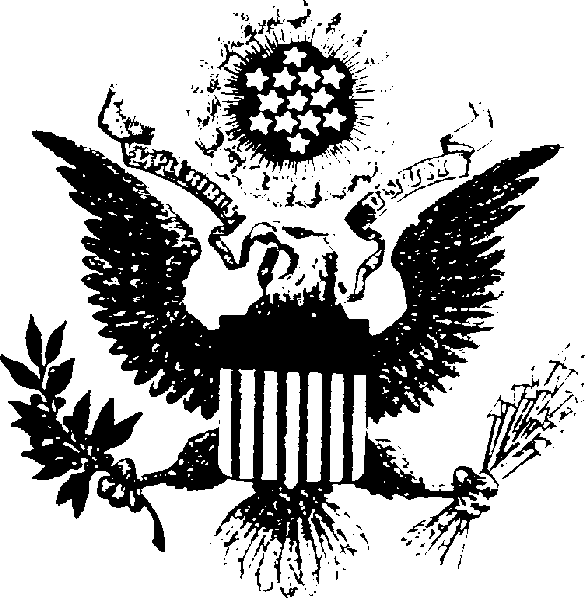
UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA



## NOTICE TO COUNSEL

The attached **Conference and Scheduling Order** sets a number of important deadlines required by the Federal Rules of Civil Procedure and the Local Civil Rules of the District of South Carolina.

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

# The Local Civil Rules for the District of South Carolina, as well as the forms referenced in this Order, 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 FLORENCE DIVISION

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

)

)

Plaintiff(s), )

## ) CONFERENCE AND

-versus- ) **SCHEDULING ORDER**

)

)

)

Defendant(s). )

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

1. No later than {{ReportFiling}} the parties shall file a Rule 26(f) Report. Parties are hereby notified that Local Civil Rule 26.03 lists additional queries to be answered in the Rule 26(f) Report.

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

2 The 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, available from the Clerk's office or the Court's Internet site at [www.scd.uscourts.gov.](http://www.scd.uscourts.gov/)

3 Pursuant to Fed. R. Civ. P. 26(a)(l), the parties may, by stipulation, agree not to make some or all of the Rule 26(a)(l) 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. 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 pursuant to Fed.

R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel\* has been disclosed to other parties by {{PlaIDExperts}}.

## \*NOTE: Amendments effective December 1, 2010, impose new disclosure requirements for certain expert witnesses.

1. 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 pursuant to Fed.

R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel\* has been disclosed to other parties by {{DftIDExperts}}.

## \*NOTE: Amendments effective December 1, 2010, impose new disclosure requirements for certain expert witnesses.

1. 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) 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).
2. 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, and have had a telephone conference with the United States Magistrate Judge assigned to the case in an attempt to resolve the matter informally.**
3. 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}}. (See Fed. R. Civ. P. 16(b)(2)). See below ¶ 12 for motions in limine deadline.
4. Mediation, pursuant to Local Civil Rules 16.04 - 16.12, shall be completed in this case on or before {{Mediation}}.4 **At least twenty-eight (28) days prior to this**

4 Judge Wooten's Standing Order to Conduct Mediation, which sets forth additional mediation requirements applicable to the case, is available at [www.scd.uscourts.gov.](http://www.scd.uscourts.gov/)

**mediation deadline** (by {{ADRDate}}), counsel for each party shall file and serve a statement certifying that counsel has:

1. provided the party with Judge Wooten's Standing Order to Conduct Mediation referenced in footnote 4;
2. discussed the availability of mediation with the party; and
3. discussed the advisability and timing of mediation with opposing counsel.5 (See Local Civil Rule 16.03).
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).
5. Motions in limine must be filed at least one week prior to date of trial.
6. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for jury selection (Local Civil Rule 26.05). Attorneys shall meet at least seven (7) 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.
7. This case is subject to being called for jury selection and trial on or after {{JurySelDate}}.

s/Thomas E. Rogers, III United States Magistrate Judge

Dated: {{OrderIssued}}  
Florence, South Carolina

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

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