

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**Plaintiff,**  
vs

**Defendant.**

**CIVIL NO.**

**CJRA TRACK:**

**PRESUMPTIVE TRIAL MONTH:**

**JUDGE:**

**JOINT REPORT OF THE PARTIES AND PROPOSED  
SCHEDULING AND DISCOVERY ORDER  
(CLASS ACTION)**

Pursuant to Federal Rule of Civil Procedure 26(f), SDIL-LR 26.1, and SDIL-LR 23.1, an initial conference of the parties was held on \_\_\_\_\_ with attorneys

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participating.

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:

1. Discovery prior to Class Certification must be sufficient to permit the Court to determine whether the requirements of Federal Rule of Civil Procedure 23 are satisfied, including a sufficient inquiry into the merits of the case to ensure appropriate management of the case as a Class Action. Once class certification is decided, the Court will schedule an additional conference with the parties to address entering a new discovery order, addressing any additional merits discovery needed as necessary.
  
2. Initial interrogatories and requests to produce, pursuant to Federal Rules of Civil Procedure 33 and 34 and SDIL-LR 33.1, shall be served on opposing parties by \_\_\_\_\_.

Due to the nature of this case, the parties are exempted from compliance with Federal Rules of Civil Procedure 30(a)(2)(A) (10 deposition limit) and 33(a) (25 interrogatory limit). The parties agree to the following limitations on Interrogatories and depositions \_\_\_\_\_.

3. Plaintiff(s) depositions shall be taken by \_\_\_\_\_.
4. Defendant(s) depositions shall be taken by \_\_\_\_\_.
5. Third Party actions must be commenced by \_\_\_\_\_ (which date shall be no later than 90 days following the scheduling conference).
6. Expert witnesses for Class Certification, if any, shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:  
  
Plaintiff(s) expert(s): \_\_\_\_\_.  
  
Defendant(s) expert(s): \_\_\_\_\_.
7. Depositions of Class Certification expert witnesses must be taken by:  
  
Plaintiff(s) expert(s): \_\_\_\_\_.  
  
Defendant(s) expert(s): \_\_\_\_\_.
8. The parties **CERTIFY** that they have discussed, in particular, the proportionality of discovery, the burden and expense associated with discovery, and the discovery of electronically stored information (ESI). The parties  do  do not anticipate a need for an ESI protocol. The parties shall submit to the Court any joint proposed ESI protocol no later than \_\_\_\_\_. (The protocol shall contain mechanisms for addressing necessary topics concerning ESI to include sources of information, search terms, format of production and preservation of ESI by both Plaintiff(s) and Defendant(s)).
9. Plaintiff(s) Motion for Class Certification and Memorandum in Support shall be filed by \_\_\_\_\_ (such date shall be no later than 8 months prior to the first day of the presumptive trial month or the first day of the month of the trial setting) and shall not exceed \_\_\_\_\_ pages.
10. Defendant(s) Memorandum in Opposition to Class Certification shall be filed by \_\_\_\_\_ and shall not exceed \_\_\_\_\_ pages.
11. Plaintiff(s) Reply Memorandum, if any, must be filed by \_\_\_\_\_ and shall not exceed \_\_\_\_\_ pages.
12. The Class Certification hearing, if any, will be set by separate notice.
13. The parties are reminded that, prior to filing any motions concerning discovery, they are first directed to meet and confer relating to any discovery disputes and then contact the Court to arrange a telephone discovery dispute conference. If the

dispute cannot be resolved in the first conference, the Court will establish, with the input of the parties, the mechanism for submitting written positions to the Court on an expedited basis.

DATED:

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Attorney(s) for Plaintiff(s)

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Attorney(s) for Defendant(s)

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**SCHEDULING AND DISCOVERY ORDER**  
**(CLASS ACTION)**

Depositions upon oral examination, interrogatories, request for documents, and answers and responses thereto shall not be filed unless on order of the Court. Disclosures or discovery under Federal Rule Civil Procedure 26(a) and SDIL-LR 26.1 are to be filed with the Court only to the extent required by the final pretrial order, other order of the Court, or if a dispute arises over the disclosure or discovery. Having reviewed the Report of the Parties and finding that the parties have complied with the requirements of Federal Rule of Civil Procedure 26(f), SDIL-LR 26.1, and SDIL-LR 23.1, the Court hereby approves and enters the Proposed Scheduling and Discovery Order as submitted by the parties/as modified at the Pretrial Scheduling and Discovery Conference.

- ( ) A settlement conference is set before \_\_\_\_\_ in accordance with SDIL-LR 16.3(b) on \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_.
- ( ) A Class Certification hearing is set for \_\_\_\_\_ at \_\_\_\_\_ before the trial judge.
- ( ) A final pretrial conference is set for \_\_\_\_\_ at \_\_\_\_\_ before the trial judge in accordance with SDIL-LR 16.2(b).
- ( ) As initially set by the Court, the presumptive trial month is \_\_\_\_\_.

DATED:

\_\_\_\_\_  
United States Magistrate Judge