

RULE 16.2

(As amended December 5, 2000)

SCHEDULING ORDER

(a) Applicable Cases

A proposed scheduling order shall issue in all cases except social security disability cases, habeas corpus petitions, bankruptcy appeals, cases on the asbestos track, and any other case or category of cases as a judicial officer may order.

(b) Track Designation

The proposed scheduling order shall identify the case management track to which the case is assigned.

(c) Contents of Scheduling Order

(1) The proposed scheduling order in administrative track cases shall establish the deadline (1) to join other parties and to amend the pleadings; and (2) to file and hear motions. The order shall also direct the parties to exchange written settlement papers by dates certain and it shall identify the month in which the case shall be ready for trial.

(2) The proposed scheduling order in standard track cases shall establish the deadline (1) for initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1); (2) to join other parties and to amend the pleadings; (3) to file and hear motions; (4) to disclose experts and complete discovery; and (5) to complete other pretrial preparation. The order shall also direct the parties to exchange written settlement papers by dates certain and it shall identify the month in which the case shall be ready for trial.

(3) The proposed scheduling order in prisoner civil rights track cases shall establish the deadline (1) to join other parties and to amend the pleadings; (2) to file and hear motions; (3) to complete discovery; and (4) to complete other pretrial preparation. This order shall also direct the parties to exchange written settlement papers by dates certain and it shall identify the month in which the case shall be ready for trial.

(4) The scheduling order in State of Maine/Pine Tree Legal Protocol track cases shall contain the items stated in the Protocol.

(d) Issuance

The proposed scheduling order in administrative and standard track cases shall issue immediately upon the appearance of defendant(s) but in no event more than 120 days after the filing of the complaint. The scheduling order in complex cases shall issue after an initial conference with counsel at which discovery, motion practice, ADR and other matters will be discussed. The scheduling order in prisoner civil rights track cases shall issue immediately following the preliminary conference/hearing with the magistrate judge at the prison or within 120 days after the filing of the complaint, whichever is earliest. The scheduling order in State of Maine/Pine Tree Legal Protocol track cases shall issue promptly upon the filing of the joint proposed scheduling order that is to be submitted by the parties within 10 days of service of the complaint.

(e) Objections

Unless a party files an objection to the proposed scheduling order within twenty-one (21) days of its filing, the proposed order shall thereupon become the Scheduling Order of the Court as required by Fed. R. Civ. P. 16(b). A party wishing to alter any deadline or any discovery limitation of a scheduling order must file a proposed discovery plan with the objection and also request a conference with a judicial officer. In requesting a scheduling conference, a lawyer professionally represents to the Court that he or she has used his or her best efforts to reduce cost and delay and has advised the client accordingly. A conference, if deemed necessary by the Court, will be scheduled promptly.