

RULE 16.2 - SCHEDULING ORDER

(As amended ~~December 1, 2015~~)

(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 proposed scheduling order in ERISA track cases shall establish the deadline (1) for establishing the administrative record; (2) for filing motions to modify the administrative record and/or for discovery; (3) for amendment of the pleadings and joinder of parties; and (4) for filing motions for judgment on the record for judicial review.

(d) Issuance

The proposed scheduling order in administrative, standard track, prisoner civil rights track, and ERISA, ~~and IDEA~~ cases shall issue immediately upon the appearance of defendant(s) but in no event more than 90 days after defendant has been served with the complaint or 60 days after any defendant has appeared unless the judge finds good cause for delay. 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 IDEA track cases shall issue after an initial conference with counsel at which the administrative record, additional evidence, if any, motion practice, and other matters will be discussed.

(e) Objections

Unless a party files an objection to the proposed scheduling order within twenty-one (21) days of its filing, fourteen (14) days in ERISA track cases, 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.