

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

[CASE CAPTION]

ADA FAST-TRACK SCHEDULING ORDER

Under Rules 1 and 16 of the Federal Rules of Civil Procedure, the Court finds a scheduling order tailored for the circumstances of this case, which has been brought under Title II or III of the Americans With Disabilities Act (“ADA”), will help to secure its just, speedy, and inexpensive determination.

Accordingly, it is

ORDERED:

1. Plaintiff must serve a copy of this Order on any Defendant who is served with process after the date of this Order.

2. The provisions of Rule 26(a)(1)’s initial disclosures, Rule 26(f)’s discovery conference, Local Rule 3.05’s case management report, and the Discovery Plan are **STAYED**.¹ And all other discovery in this case is **STAYED** except the depositions of Plaintiff² and Defendant may be taken. The parties must comply with the deadlines set forth below—no extensions of time will be granted absent good cause.

3. By **[30 DAYS FROM DATE OF ORDER]**, Plaintiff (an individual or an entity) must answer, under oath or penalty of perjury, the Court’s Interrogatories (as applicable), attached as Exhibit A; serve a copy on Defendant; and file the answers with the Court as

¹ The parties are free to stipulate to exchanging Rule 26(a)(1) initial disclosures on their own.

² If there is more than one plaintiff or defendant named in this case, the singular reference to plaintiff or defendant also includes the plural.

a document titled, “Answers to Court’s Interrogatories.” By that same date, Plaintiff must also provide Defendant a copy of any **existing** written report concerning any claimed ADA violations.

4. By **[60 DAYS FROM DATE OF ORDER]**, Defendant must serve Plaintiff with a written response including any existing report on which Defendant intends to rely (an expert report is not yet required). Defendant’s response must include Defendant’s position on any claimed violations of the ADA. Alternatively, by the same date, Defendant must permit Plaintiff’s counsel and expert reasonable access to inspect copies of the electronic records and data constituting the websites that Plaintiff claims to be non-compliant.

5. By **[DATE 74 DAYS FROM DATE OF ORDER]**, Plaintiff must provide Defendant with a copy of any expert report on which Plaintiff intends to rely, consistent with Rule 26(a)(2). The report must specifically address the deficiencies alleged and the proposed remediation required. Any deficiency not specifically identified in the expert report will be deemed waived.

6. By **[DATE 88 DAYS FROM DATE OF ORDER]**, Defendant must serve a written response, including any Rule 26(a)(2) expert report that Defendant intends to rely upon.

7. By **[DATE 118 DAYS FROM DATE OF ORDER]**, the parties must **MEDIATE** this case before a mediator of their choice. If the parties cannot agree on a mediator, the Court will appoint one.

8. By **[DATE 121 DAYS FROM DATE OF ORDER]**, the parties must jointly file a status report that notifies the Court whether they have settled the case or reached an impasse.

9. If the parties settle, the settlement agreement should contain, to the extent possible, an agreement on attorney's fees, including litigation expenses, and costs. If there is no agreement, the Court, at the parties' request, will reserve jurisdiction to decide the issue of attorney's fees, expenses, and costs. Any request for attorney's fees, expenses, and costs, must be made in a separate motion or petition filed no later than 14 days after the entry of judgment.³ Notably, if the parties wish the Court to enter a consent judgment, the Court will not approve or reserve jurisdiction to enforce a confidential settlement agreement.

10. If parties do not settle, the parties must file by **[DATE 121 DAYS FROM DATE OF ORDER]** the attached ADA Fast-Track Case Management Report. The Court may then hold a preliminary pretrial conference before issuing a Case Management and Scheduling Order. The case will be set for trial about 6 to 8 months after the mediation conference.

DONE and **ORDERED** in Fort Myers, Florida on this **[DAY]** of **[MONTH YEAR]**.

Copies to: All counsel and parties of record

³ In deciding entitlement to and any amount of attorney's fees, the Court will consider whether any pre-suit efforts were made to resolve the issues without filing suit.

EXHIBIT A

COURT’S INTERROGATORIES TO INDIVIDUAL PLAINTIFF(S)

1. Your residential address.
2. The Name of current employer and place of employment.
3. Describe the nature of your disability.
4. Date(s) and time(s) that you visited the subject property.
5. Did anyone accompany you? If so, who?
6. What is the proximity of the subject property to your home and/or place of employment?
7. Describe your past patronage of the subject property.
8. Describe the definiteness of your plans to return to the subject property.
9. Specifically list each architectural barrier that you personally observed or experienced at the facility.
10. Did you take notes or make a contemporaneous record of these barriers? If so, attach a copy to these Answers.
11. What notice of deficiencies or other efforts did you make to resolve your complaints before filing suit?

Date: _____ By: _____
As Plaintiff's: _____
Printed Name: _____

STATE OF FLORIDA
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day, personally appeared _____, who being first duly sworn, deposes and says that he/she has read the foregoing Answers to Court's Interrogatories, knows the contents of same, and to the best of his/her knowledge and belief, the same are true and correct.

SWORN TO and SUBSCRIBED before me on this _____ day of _____ 202_.

NOTARY PUBLIC

Print Name:
Title: Notary Public
Serial Number (if any):
Commission Expires:

COURT’S INTERROGATORIES TO ENTITY PLAINTIFF(S)

1. Address of the corporation, partnership, or company.
2. When and where were you incorporated, if applicable, and where is your principle place of business, headquarters, or main office located?
3. Name and address of the registered agent, as well as any individual with authority or liability on behalf of the entity.
4. Name and address of any individual who, on behalf of the entity, attempted to access and use the subject property in the past but faced discrimination because of architectural barriers that violate the ADA.
5. For *each* individual identified in answer to Interrogatory No. 4, provide the
 - a. nature of the individual’s disability.
 - b. date(s) and time(s) that the individual visited the subject property.
 - c. name of any person who accompanied the individual to the subject property.
 - d. proximity of the subject property to the individual’s residence and/or place of employment.
 - e. individual’s past patronage of the subject property.
 - f. definiteness of the individual’s plans to return to the subject property.
 - g. specific architectural barriers that the individual personally observed or experienced at the subject property.
 - h. whether the individual took notes or made a contemporaneous record of any barrier. If so, attach a copy to these Answers.
6. What notice of deficiencies or other efforts did you make to resolve your complaints before filing suit?

Date: _____ By: _____
As Plaintiff’s: _____
Printed Name: _____

STATE OF FLORIDA
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day, personally appeared _____, who being first duly sworn, deposes and says that he/she has read the foregoing Answers to Court's Interrogatories, knows the contents of same, and to the best of his/her knowledge and belief, the same are true and correct.

SWORN TO and SUBSCRIBED before me on this _____ day of _____ 202__.

NOTARY PUBLIC

Print Name:
Title: Notary Public
Serial Number (if any):
Commission Expires:

COURT’S INTERROGATORIES TO INDIVIDUAL PLAINTIFF(S) - WEBSITES

1. Your residential address.
2. The name of your current employer and place of employment.
3. Describe the nature of your disability
4. List each of the defendant’s websites (including the URL of the website) that you visited that are at issue in this case and the date(s) you visited those websites?
5. Did anyone else review or visit the defendant’s website with you on the date(s) specified above? If so, state such persons’ name(s) and address(es).
6. Describe the purpose of your visit to the website(s).
7. Specifically list each barrier or deficiency that you personally observed or experienced while visiting the website(s).
8. Please specify all the ways in which you allege that the defendant’s website fails to comply with 28 C.F.R. 36.302(e) or with any other applicable law.
9. Did you take notes or make a contemporaneous record of these barriers (i.e., screen shots or print outs of the website)? If so, please attach a copy to these Answers.
10. Identify the physical location(s) the use and enjoyment of which was impacted by the alleged deficiencies in the defendant’s website(s).
11. What is the proximity of the physical locations identified in response to the foregoing interrogatory to your home and place of employment?
12. Describe your past patronage of the defendant’s business and any of the physical locations identified in response to the foregoing interrogatories.
13. Describe the definiteness of your plans to visit any physical location associated with the defendant’s business, and identify the physical location(s).
14. Please list any other Title III cases in which you have been a party in this District.

Date: _____ By: _____
As Plaintiff’s: _____
Printed Name: _____

STATE OF FLORIDA
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day, personally appeared [Plaintiffs], who being first duly sworn, deposes and says that he has read the foregoing Answers to Interrogatories, knows the contents of same, and to the best of his knowledge and belief, the same are true and correct.

SWORN TO and SUBSCRIBED before me on this _____ day of _____ 202_.

NOTARY PUBLIC

Print Name:
Title: Notary Public
Serial Number (if any):
Commission Expires:

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

Plaintiff,

v.

Case No. 2: -cv- -FtM-38

Defendant.

_____ /

ADA FAST-TRACK CASE MANAGEMENT REPORT

The parties agree to these dates and discovery plan under Federal Rule of Civil

Procedure 26 and Local Rule 3.05:

DEADLINE	AGREED DATE
Corporate Disclosure Statements [Due immediately upon each party's first appearance]	Plaintiff filed on <i>Select Date</i> Defendant filed on <i>Select Date</i>
Rule 26(a)(1) Initial Disclosures [Court recommends 1 to 2 weeks after mediation]	<input type="checkbox"/> Exchanged <input type="checkbox"/> To be exchanged by <i>Select Date</i>
Discovery [Court recommends 2 months after the mediation conference]	<i>Select Date</i>
Dispositive and <i>Daubert</i> Motions [Court recommends 3 months after the mediation conference]	<i>Select Date</i>
Meeting in Person to Prepare Joint Final Pretrial Statement [Court recommends 3 weeks before the Final Pretrial Conference]	<i>Select Date</i>
Motions in Limine	<i>Select Date</i>

DEADLINE	AGREED DATE
[Court recommends 3 days before the Joint Final Pretrial Statement and Trial Briefs deadline]	
Joint Final Pretrial Statement and Trial Briefs [Court recommends 2 weeks before the Final Pretrial Conference]	Select Date
Final Pretrial Conference	Select Date
Monthly Trial Term [Cases are scheduled for a monthly trial term—not a specific date. The Court recommends 6 months after the mediation conference]	Month Year
Estimated Length of Trial	Select days
Jury or Non-Jury	Select
All Parties Consent to the Assigned Magistrate Judge	<input type="checkbox"/> For all purposes including trial <input type="checkbox"/> For some purpose like class certification, summary judgment, <i>Daubert</i> , or other motions (please list) <input type="checkbox"/> For no other purpose beyond authority granted by statute, rule, and referral
All Parties Request a Settlement Conference with the Non-Assigned Magistrate Judge	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notice of Pendency of Other Actions Completed and Attached (Attachment A)	<input type="checkbox"/> Yes

Date: Select Date

Signature of Counsel or *Pro Se* Litigant:

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

Attachment A: Notice of Pendency of Other Actions

Under Local Rule 1.04(d), all counsel of record and unrepresented parties must promptly inform the Court and other parties of the existence of any similar or successive cases pending before any court or administrative agency.⁴ But, for removal cases, the parties need not identify the original state-court proceeding in this Notice.

I certify that the above-captioned case:

- IS** related to pending or closed civil or criminal case(s) previously filed in this Court, or any other federal or state court, or administrative agency as indicated below:

- IS NOT** related to any pending or closed civil or criminal case filed with this Court, or any other federal or state court, or administrative agency.

Dated: [Click to enter a date.](#)

Signature: _____
Plaintiff(s) Counsel or *Pro Se* Party

[Address and Telephone]

Signature: _____
Defendant(s) Counsel or *Pro Se* Party

[Address and Telephone]

⁴ All counsel and unrepresented parties have a continuing duty to promptly inform the Court and parties of any **additional or new** similar or successive cases by filing an Amended Notice of Pendency of Related Actions.