**UNITED STATES DISTRICT COURT**

**MIDDLE DISTRICT OF FLORIDA**

**OCALA DIVISION**

**X,**

**Plaintiff,**

**v. Case No: 5:**

**X**

**Defendant.**

**ERISA Case Management Report**

This Case Management Report shall be used in actions brought under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. sec. 1001, *et* *seq*. Based on this Report and availability on the Court’s calendar, the Court will issue a binding Case Management and Scheduling Order.

1. **Meeting of Parties**: A conference was held on [insert date], between:

|  |  |
| --- | --- |
| **Party** | **Counsel** |
|  |  |
|  |  |
|  |  |

1. **Consent**: Do the parties agree to consent to the exercise of jurisdiction over this case by the assigned United States Magistrate Judge? (check one) [\_\_] yes [\_\_] no

***If yes, the parties shall complete and all counsel and/or unrepresented parties shall execute the Form AO-85 available on the Court’s website. The Consent form should then be filed.*** (In the absence of consent, the Magistrate Judge will issue a Report and Recommendation to the District Judge.)

1. **Preliminary Pretrial Conference**: Parties (check one) [\_\_] request [\_\_] do not request a preliminary pretrial conference before entry of a Case Management and Scheduling Order in this case. Unresolved issues to be addressed at such a conference include:
2. **Case Plan**:

A. **Record**: Date by which defendant will provide the administrative record to plaintiff: [Generally within 45 days]

B. **Motions**: Date by which dispositive motions or cross-briefs should be filed: [Generally within 90 – 120 days of receiving the record]

C. **Responses**: Date by which responses to dispositive motions or briefs should be filed: [Generally within 30 days of dispositive motion]

D. **Requests for special consideration or handling** (joint or unilateral):

1. **Oral Argument**: Do the parties request oral argument? [\_\_] yes [\_\_] no (Note: The Court will make the final determination as to whether and when to set the case for oral argument).
2. **Mediation**: Do the parties request referral to mediation? [\_\_] yes [\_\_] no

If yes, the requested date by which mediation should be completed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the requested mediator \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (A list of certified mediators is available from the Clerk's Office and on the Court's website. If the parties leave either or both of these fields blank, the Court will designate the mediator and/or the deadline for mediation).

7. **Certificate of Interested Persons and Corporate Disclosure Statement:**

This Court makes an active effort to screen every case in order to identify parties and interested corporations in which the assigned judge may be a shareholder, as well as for other matters that might require consideration of recusal. Therefore, each party, governmental party, intervenor, non-party movant, and Rule 69 garnishee shall file and serve a Notice of Interested Persons and Corporate Disclosure Statement using the attached mandatory form. No party may seek discovery from any source before filing and serving a Certificate of Interested Persons and Corporate Disclosure Statement. All papers, including emergency motions, are subject to being denied or stricken unless the filing party has previously filed and served its Certificate of Interested Persons and Corporate Disclosure Statement. **Any party who has not already filed and served the required certificate is required to do so immediately.** Each party has a continuing obligation to file and serve an amended Certificate of Interested Persons and Corporate Disclosure Statement within eleven days of 1) discovering any ground for amendment, including notice of case reassignment to a different judicial officer; or 2) discovering any ground for recusal or disqualification of a judicial officer. A party should not routinely list an assigned district judge or magistrate judge as an “interested person” absent some non-judicial interest.

**Date**:

**Signatures of Counsel and Signature of any unrepresented party**:

Add name of party or counsel Add name of party or counsel

If counsel, add name of client If counsel, add name of client

Add date of signature Add date of signature

Add name of party or counsel Add name of party or counsel

If counsel, add name of client If counsel, add name of client

Add date of signature Add date of signature

Add name of party or counsel Add name of party or counsel

If counsel, add name of client If counsel, add name of client

Add date of signature Add date of signature

**Certificate of Interested Persons**

**and Corporate Disclosure Statement**

I hereby disclose the following pursuant to this Court’s interested persons order:

1.) the name of each person, attorney, association of persons, firm, law firm, partnership, and corporation that has or may have an interest in the outcome of this action — including subsidiaries, conglomerates, affiliates, parent corporations, publicly-traded companies that own 10% or more of a party’s stock, and all other identifiable legal entities related to *any* party in the case:

[insert list]

2.) the name of every other entity whose publicly-traded stock, equity, or debt may be substantially affected by the outcome of the proceedings:

[insert list]

3.) the name of every other entity which is likely to be an active participant in the proceedings, including the debtor and members of the creditors’ committee (or twenty largest unsecured creditors) in bankruptcy cases:

[insert list]

4.) the name of each victim (individual or corporate) of civil and criminal conduct alleged to be wrongful, including every person who may be entitled to restitution:

[insert list]

I hereby certify that, except as disclosed above, I am unaware of any actual or potential conflict of interest involving the district judge and magistrate judge assigned to this case, and will immediately notify the Court in writing on learning of any such conflict.

[Date] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Counsel of Record or *Pro Se* Party]

[Address and Telephone]

[Certificate of Service]