UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

Plaintiff,

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

Defendant.

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**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** |
| --- | --- |
| **Rule 26(a)(1) Mandatory Initial Disclosures** | Exchanged  To be exchanged by Select Date |
| **Certificate of Interest Persons and Corporate Disclosure Statement** | Filed and served by all parties  Not filed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Amended certificate to be filed by Select Date |
| **Motions to Add Parties or Amend Pleadings**  [Court recommends 1 to 2 months after the CMR meeting] | Select Date |
| **Disclosure of Expert Reports**  [Court recommends the last exchange to occur 1 to 2 months before the discovery deadline] | Plaintiff: Select Date  Defendant: Select Date |
| **Discovery**  [Court recommends 6 to 8 months before the trial term so it can decide dispositive motions] | Select Date |
| **Dispositive, *Daubert*, and *Markman* Motions**  [Court recommends 4 or more months before the meeting to prepare the joint final pretrial statement] | Select Date |
| **Meeting in Person to Prepare Joint Final Pretrial Statement**  [Court recommends 1 month before the Final Pretrial Conference] | Select Date |
| **Joint Final Pretrial Statement, Motions *in Limine*, and Trial Briefs**  [Court recommends 3 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 20 to 22 months after the complaint is filed.] | Month Year |
| **Estimated Length of Trial** | Select days |
| **Jury or Non-Jury** | Select |
| **Mediation**  [Court recommends mediation after the discovery deadline but before dispositive motions] | Deadline: Select Date  Mediator: |
| **Settlement** | Likely  Unlikely |
| **All Parties Consent to the Assigned Magistrate Judge** | Yes[[1]](#footnote-1)  No |
| **All Parties Request a Settlement Conference with the Non-Assigned Magistrate Judge** | Yes  No  Likely to Request in Future |

1. **Preliminary Pretrial Conferences**

**For cases assigned to United States District Judge Sheri Polster Chappell**, the assigned Magistrate Judge will hold a preliminary pretrial conference (“PPTC”) in most civil cases after the parties file this Case Management Report. The parties should expect to discuss these topics at the PPTC: the case’s facts, unique issues anticipated by counsel, the Court’s case management practices and procedures, deadlines to govern the case, prospects of settlement, pending motions, scope of discovery, need for expert witnesses, length of trial, and calendar conflicts. Unresolved issues to discuss at the PPTC include:

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After the PPTC, the assigned Magistrate Judge will issue a Case Management and Scheduling Order to govern the case.

**For cases assigned to United States District Judge Thomas Barber and Senior United States District Judge John E. Steele**, a preliminary pretrial conference is mandatory only in Track Three cases. The Court will consider a request to re-track a Track Two case to a Track Three case only after a class is certified and/or motions to dismiss have been decided in complex actions. For Track Two cases, Judge Barber and Judge Steele will issue Case Management and Scheduling Orders after the parties file this Case Management Report.

1. **Discovery Plan**

The parties **must** comply with and become familiar with the Fort Myers Division [Discovery Plan](https://www.flmd.uscourts.gov/judges/all/fort-myers) as well as the [Discovery Handbook](https://www.flmd.uscourts.gov/civil-discovery-handbook) for the Middle District of Florida, both available on the Court’s website.

1. **Mediation**

Without mandatory arbitration or a Court order otherwise, the parties in every case **must** participate in mediation. The parties must select a mediator from the Court’s [approved list of mediators](http://apps.flmd.uscourts.gov/mediator/pub/MediatorList.pdf) found on its website.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Counsel (per Local Rule 1.05) and Unrepresented Parties:

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1. . If the parties wish to voluntarily consent to the assigned Magistrate Judge, they must sign and file the form titled, “[Notice, Consent, and Reference of a Civil Action to a Magistrate Judge](https://www.flmd.uscourts.gov/sites/flmd/files/forms/mdfl-ao85-notice-consent-and-reference-of-a-civil-action-to-a-magistrate-judge.pdf)” found on the Court’s website. [↑](#footnote-ref-1)