UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

Click or tap here to enter text.

Plaintiff(s),

v. Case No. Click or tap here to enter text.

Click or tap here to enter text.

Defendant(s).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PRETRIAL AND DISCOVERY PLAN**[[1]](#footnote-1)

A. **Certifications.** By filing this Plan, the parties appearing of record and their counsel certify that:

1. the parties timely and fully discharged their responsibilities under Fed. R. Civ. P. 26(f) in good faith;
2. the parties completed and filed an appropriate Case Management Report using the form approved by the presiding [United States District Judge](https://www.flmd.uscourts.gov/judges/district), which includes the selection of a mediator from the Court’s list of [certified mediators](http://apps.flmd.uscourts.gov/mediator/pub/MediatorList.cfm);
3. the parties will comply with the deadlines proposed in the Case Management Report pending the Court’s entry of a Case Management and Scheduling Order;
4. the parties jointly or separately filed a Related Case Notice;
5. the parties each filed a Disclosure Statement as required by Fed. R. Civ. P. 7.1 and/or the Court’s [Local Rules](https://www.flmd.uscourts.gov/local-rules);
6. counsel and any unrepresented parties have reviewed the Court’s [Local Rules](https://www.flmd.uscourts.gov/local-rules), [Civil Discovery Handbook](https://www.flmd.uscourts.gov/civil-discovery-handbook), and (if applicable) [Admiralty and Maritime Practice Manual](https://ecf.flmd.uscourts.gov/doc1/047122237411);
7. counsel and any unrepresented parties have reviewed the Court’s [Administrative Order governing the authority of United States Magistrate Judges](https://ecf.flmd.uscourts.gov/doc1/047122233271); and
8. all counsel of record have reviewed the judicial preferences pages, if any, published on the Court’s [website](https://www.flmd.uscourts.gov/) for both the [United States District Judge](https://www.flmd.uscourts.gov/judges/district) and the [United States Magistrate Judge](https://www.flmd.uscourts.gov/judges/magistrate) assigned to this case.

B. **Conference Participants.** The following counsel of record and/or unrepresented parties participated in the Fed. R. Civ. P. 26(f) conference:

**RESPONSE:**

**Click or tap here to enter text.**

C. **Rule 26(f) Matters.** The parties state their views and proposals on the following matters specified in Fed. R. Civ. P. 26(f)(2)-(3):

1. State what changes, if any, should be made in the timing, form, or requirement for disclosures under Fed. R. Civ. P. 26(a). The Court assumes that the parties plan to exchange mandatory initial disclosures no later than the deadline specified in the Case Management Report.

**RESPONSE:**

**Click or tap here to enter text.**

1. Identify the subjects on which discovery may be needed and whether discovery should be conducted in phases or be limited to or focused on particular issues. The Court assumes that the parties plan to complete all expert and fact discovery no later than the deadlines specified in the Case Management Report.

**RESPONSE:**

**Click or tap here to enter text.**

1. Identify any issues about claims of privilege or of protection as trial-preparation materials, including – if the parties agree on a procedure to assert these claims after production – a statement whether the parties ask the Court to include their agreement in an order under Fed. R. Evid. 502.

**RESPONSE:**

**Click or tap here to enter text.**

1. State what changes, if any, should be made in the limitations on discovery imposed under the Federal Rules of Civil Procedure or this Court’s [Local Rules](https://www.flmd.uscourts.gov/local-rules), and what other limitations should be imposed, if any.

**RESPONSE:**

**Click or tap here to enter text.**

1. Identify any other orders that the Court should issue under Fed. R. Civ. P. 26(c)(1) or under Fed. R. Civ. P. 16(b) and (c). Any confidentiality agreement or stipulated protective order governing discovery must provide, or will be deemed to provide that no party is permitted to file a document under seal without first obtaining a further order granting leave to file under seal in compliance with the [Local Rules](https://www.flmd.uscourts.gov/local-rules) and governing law.

**RESPONSE:**

**Click or tap here to enter text.**

D. **Electronically Stored Information (ESI).** The parties certify that they have discussed discovery of Electronically Stored Information (ESI). In light of that discussion, the parties inform the Court of the following:

1. Does any party anticipate the demand for or production of a *significant volume* of ESI?  Yes  No

**EXPLAIN:**

**Click or tap here to enter text.**

1. Have the parties agreed to a specific written protocol governing the identification, collection, review, and/or production of ESI?  
    Yes (protocol attached)  No

**EXPLAIN:**

**Click or tap here to enter text.**

1. Have the parties discussed and reached agreement concerning the production format(s) for ESI?

Yes  No

**EXPLAIN:**

**Click or tap here to enter text.**

1. Do the parties presently have any unresolved disputes concerning the demand for or production of ESI?

Yes  No

**IF YES, EXPLAIN:**

**Click or tap here to enter text.**

E. **Preservation.** The parties certify that they have discussed the preservation of discovery likely to be sought or produced, including but not limited to ESI. In light of that discussion, the parties inform the Court of the following:

1. Has any party identified a preservation issue relating to discovery that may be sought or produced?

Yes  No

**IF YES, EXPLAIN:**

**Click or tap here to enter text.**

1. Has counsel of record issued an appropriate litigation hold or other written preservation instruction to the party or parties counsel represents?  Yes  No

**IF NO, EXPLAIN:**

**Click or tap here to enter text.**

F. **Other Issues.**

1. Parties must serve discovery requests sufficiently in advance of the discovery deadline so that the rules allow for a response before the discovery deadline expires. Any motion to compel responses to discovery requests that do not comply with this requirement may be denied.
2. Any motion to compel filed after the discovery deadline may be denied as untimely.

Respectfully submitted by the undersigned counsel on Click or tap to enter a date..

[Signature Blocks of Counsel and Unrepresented Parties]

1. Use this form only in cases assigned to [United States Magistrate Judge Mac R. McCoy](https://www.flmd.uscourts.gov/judges/mac-mccoy). [↑](#footnote-ref-1)