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**[[1]](#footnote-1)

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 Select Date  Defendant filed on Select Date |
| **Rule 26(a)(1) Initial Disclosures**  [Due 14 days after Rule 26(f) conference] | Exchanged  To be exchanged by Select Date |
| **Motions to Add Parties or Amend Pleadings**  [Court recommends 1 to 2 months after the Rule 26(f) conference] | Select Date |
| **Disclosure of Expert Reports**  [Court recommends the last disclosure to occur 1 to 2 months before the discovery deadline] | Plaintiff: Select Date  Defendant (includes rebuttal): Select Date  Plaintiff Rebuttal: Select Date |
| **Discovery**  [Court recommends 6 to 8 months before the trial term so it can decide dispositive motions] | Select Date |
| **Dispositive and *Daubert* Motions**  [Court recommends at least 4 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 |
| **Motions in Limine**  [Court recommends 3 days before the deadline for Joint Final Pretrial Statement and Trial Briefs] |  |
| **Joint Final Pretrial Statement 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 case is filed or removed] | 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**[[2]](#footnote-2) | For all purposes including trial  For some purposes like class certification, summary judgment, or motions for a final order or judgment (please list)  For no other purpose beyond authority granted by statute, rule, and referral |
| **All Parties Request a Settlement Conference with a Magistrate Judge** | Yes  No  Likely to Request in Future |
| **Related Case Notice Completed** (Available on the assigned district judge’s website) | Yes |

1. **Preliminary Pretrial Conferences**

**For cases assigned to United States District Judge Sheri Polster Chappell and United States District Judge John L. Badalamenti**, the assigned Magistrate Judge will hold a preliminary pretrial conference (“PPTC”) in most cases after the parties file this Case Management Report. The parties should expect to discuss these topics at the PPTC: the 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 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, Judges Barber and Steele will issue Case Management and Scheduling Orders after the parties file a Case Management Report.

1. **Discovery**

The parties must **jointly** file—along with this Case Management Report and Related Case Notice—the “Pretrial & Discovery Plan” found on the assigned Magistrate Judge’s website. The Pretrial & Discovery Plan, Case Management Report, and Related Case Notice must be filed as **three separate docket entries**. The parties must also follow the [Discovery Handbook](https://www.flmd.uscourts.gov/civil-discovery-handbook) for the Middle District of Florida 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. The Court is not responsible for a hyperlink’s availability and functionality, and a failed hyperlink does not affect this Order. [↑](#footnote-ref-1)
2. If the parties wish to voluntarily consent to the assigned Magistrate Judge, they must sign and file either the [AO Form 85](https://www.flmd.uscourts.gov/sites/flmd/files/forms/flmd-ao85-notice-consent-and-reference-of-a-civil-action-to-a-magistrate-judge.pdf) (consent for all purposes including trial) or [AO Form85A](https://www.flmd.uscourts.gov/sites/flmd/files/forms/mdfl-ao85a-notice-consent-and-reference-of-a-dispositive-motion-to-a-magistrate-judge.pdf) (consent for some purpose like a specific motion) found on the Court’s website. [↑](#footnote-ref-2)