

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

v.

Case No.

\_\_\_\_\_ /

**NOTICE OF DESIGNATION UNDER LOCAL RULE 3.05  
AND DEADLINE FOR FILING OF CASE MANAGEMENT REPORT**

TAKE NOTICE that, in accordance with Local Rule 3.05, this action is designated as a Track Two Case. **Filing party (that is, the party that instituted suit in this Court) is responsible for serving a copy of this Notice and its attachment upon all other parties** and, thereafter, to assure that **all parties** meet the requirements established in Rule 3.05 for cases designated on this track by cooperatively meeting for the preparation and filing of a consolidated Case Management Report (the Court *will not* accept a unilateral Report). The parties shall file the Case Management Report **within 14 days after the case management conference**; otherwise, the Court will impose such sanctions as deemed appropriate, including but not limited to dismissal, pursuant to Rule 3.10, Local Rules, M.D.Fla., for failure to prosecute.

The parties are invited to consider assumption of responsibility for this case by the assigned Magistrate Judge. Attached to filing party's copy of this Notice for such purpose is a self-explanatory Consent form. Note that the form is to be filed **ONLY** if signed and agreed to by all parties on a single form.

DATE:

SHERYL L. LOESCH, Clerk

By: \_\_\_\_\_  
Deputy Clerk

Distribution:  
Original in Court file  
Filing Party - Plaintiff or, if applicable, removing Defendant

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

v.

Case No.

\_\_\_\_\_ /

**CASE MANAGEMENT REPORT**

1. **Meeting of Parties:** Pursuant to Local Rule 3.05(c)(2)(B) or (c)(3)(A), a conference was held on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) between:

Name

Counsel for (if applicable)

2. Fed. R. Civ. P. 26(a)(1), as amended, effective December 1, 2000, Pre-Discovery Initial Disclosures:

The parties (check one) \_\_\_\_\_ have exchanged \_\_\_\_\_ agree to exchange information described in Fed. R. Civ. P. 26(a)(1) on or by \_\_\_\_\_ (date). Below is a detailed description of information disclosed or scheduled for disclosure.

3. **Discovery Plan - Plaintiff(s):** The parties jointly propose the following Plaintiff's discovery plan:

a. Every discovery effort Plaintiff plans to pursue is described below. The description of each discovery effort will be listed under the appropriate heading below and will include the subject matter of the discovery and the time during which the discovery will be pursued:

(1) Requests for Admission:

Number of Requests for Admission: Parties may seek to limit the number of Plaintiff's requests for admission in accordance with Fed. R. Civ. P. 26(b)(2). Any such request must be presented by motion. See paragraph 6 below.

(2) Written Interrogatories:

Number of Interrogatories: Local Rule 3.03(a) provides "[u]nless otherwise permitted by the Court for cause shown, no party shall serve upon any other party, at one time or cumulatively, more than twenty-five (25) written interrogatories pursuant to Rule 33, Fed. R. Civ. P., including all parts and subparts." Any request by Plaintiff to exceed this limit must be presented by motion. See paragraph 6 below.

(3) Requests for Production or Inspection:

(4) Oral Depositions:

Number of Depositions: Local Rule 3.02(b) provides, "[i]n accordance with Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A), no more than ten depositions per side may be taken in any case unless otherwise ordered by the Court." Any request by Plaintiff to exceed this limit must be presented by motion. See paragraph 6 below.

Time Permitted for Each Deposition, in accordance with Fed.R.Civ.P. 30(d), is limited to one day of seven hours, unless extended by stipulation of the parties or order of the Court.

b. **Disclosure of Expert Testimony:** Parties stipulate, in accordance with Fed. R. Civ. P. 26(a)(2)(C), that Plaintiff's Fed. R. Civ. P. 26(a)(2) disclosure will be due as noted here:

c. **Supplementation of Disclosures and Responses**: Parties agree that Plaintiff's supplementation under Fed. R. Civ. P. 26(e) will be provided at the following times:

d. **Completion of Discovery**: Plaintiff will commence all discovery in time for it to be completed on or before \_\_\_\_\_ (date).

4. **Discovery Plan - Defendant(s)**: The parties jointly propose the following Defendant's discovery plan:

a. Every discovery effort Defendant plans to pursue is described below. The description of each discovery effort will be listed under the appropriate heading below and will include the subject matter of the discovery and the time during which the discovery will be pursued:

(1) Requests for Admission:

Number of Requests for Admission: Parties may seek to limit the number of Defendant's requests for admission in accordance with Fed. R. Civ. P. 26(b)(2). Any such request must be presented by motion. See paragraph 6 below.

(2) Written Interrogatories:

Number of Interrogatories: Local Rule 3.03(a) provides "[u]nless otherwise permitted by the Court for cause shown, no party shall serve upon any other party, at one time or cumulatively, more than twenty-five (25) written interrogatories pursuant to Rule 33, Fed. R. Civ. P., including all parts and subparts." Any request by Defendant to exceed this limit must be presented by motion. See paragraph 6 below.

(3) Requests for Production or Inspection:

(4) Oral Depositions:

Number of Depositions: Local Rule 3.02(b) provides, “[i]n accordance with Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A), no more than ten depositions per side may be taken in any case unless otherwise ordered by the Court.” Any request by Defendant to exceed this limit must be presented by motion. See paragraph 6 below.

Time Permitted for Each Deposition, in accordance with Fed.R.Civ.P. 30(d), is limited to one day of seven hours, unless extended by stipulation of the parties or order of the Court.

b. **Disclosure of Expert Testimony:** Parties stipulate, in accordance with Fed. R. Civ. P. 26(a)(2)(C), that Defendant’s Fed. R. Civ. P. 26(a)(2) disclosure will be due as noted here:

c. **Supplementation of Disclosures and Responses:** Parties agree that Defendant’s supplementation under Fed. R. Civ. P. 26(e) will be provided at the following times:

d. **Completion of Discovery:** Defendant will commence all discovery in time for it to be completed on or before \_\_\_\_\_ (date).

5. **Joint Discovery Plan - Other Matters:** Parties agree on the following other matters relating to discovery (*e.g.*, handling of confidential information, assertion of privileges, whether discovery should be conducted in phases or be limited to or focused upon particular issues):

6. **Disagreement or Unresolved Issues Concerning Discovery Matters:** Any disagreement or unresolved issue concerning discovery matters must be made the subject of a separate motion to be filed not later than eleven (11) days after the filing of the Case Management Report. Such disagreement or unresolved issue will not excuse the establishment of discovery completion dates. Pursuant to Fed.R.Civ.P. 26(a)(1), as amended, effective December 1, 2000, any objection as to the appropriateness of required Initial Disclosures shall be recorded in the case management report.

7. **Third Party Claims, Joinder of Parties, Potentially Dispositive Motions:** Parties agree that the final date for filing motions for leave to file third party claims, motions to join parties, motions for summary judgment, and all other potentially dispositive motions should be \_\_\_\_\_ . (Note time limit in Local Rule 4.03.)

8. **Settlement and Alternative Dispute Resolution:** Parties agree that settlement is (check one) \_\_\_\_\_ likely \_\_\_\_\_ unlikely.

Parties agree to consent to binding arbitration pursuant to Local Rules 8.02(a)(3) and 8.05(b).

(check one) \_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_ likely to agree in future

Parties agree to participate in court annexed mediation as detailed in Chapter Nine of the Court's Local Rules. (check one) \_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_ likely to agree in future

If yes, the order of referral described in Local Rule 9.04 should be entered by the Court on \_\_\_\_\_ (date) designating \_\_\_\_\_ (name) to serve as mediator.

Parties agree to consent to trial presided over by United States Magistrate Judge (which will afford the parties better opportunity for a "date certain" for trial):

(check one) \_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_ likely to agree in future

***If yes, the parties shall complete and all counsel and/or unrepresented parties shall execute on the Form AO-85 attached hereto (through the portion for "Consent" – all signatures together on one form); submit the same to the Clerk, and the Court will promptly thereafter enter the "Order of Reference" portion and file the same in the record hereof.***

Parties intend to pursue the following other methods of alternative dispute resolution:

In accordance with Local Rule 3.05(c)(2)(C)(v), parties agree that if they do not report to the Court that the case has settled on or before \_\_\_\_\_ (date), parties will apply for an order invoking Court annexed arbitration (Chapter Eight of Local Rules) or Court annexed mediation (Chapter Nine of Local Rules) on that date.

9. **Preliminary Pretrial Conference:** Local Rule 3.05(c)(3)(B) provides that preliminary pretrial conferences are **mandatory in Track Three cases.**

**Track Two cases:** Parties (check one) \_\_\_\_\_ request \_\_\_\_\_ do not request a preliminary pretrial conference before entry of a Case Management and Scheduling Order in this Track Two case. Unresolved issues to be addressed at such a conference include:

10. **Final Pretrial Conference and Trial:** Parties agree that they will be ready for a final pretrial conference on or after \_\_\_\_\_ (date), and for (check one) \_\_\_\_\_ jury trial \_\_\_\_\_ non-jury trial on or after \_\_\_\_\_ (date). Trial is expected to take approximately \_\_\_\_\_ days.

11. **Pretrial Disclosures and Final Pretrial Procedures:** Parties acknowledge that they are aware of and will comply with pretrial disclosures requirements in Fed. R. Civ. P. 26(a)(3) and final pretrial procedures requirements in Local Rule 3.06.

12. Other Matters (if any):

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

Signatures of Counsel (with information required by Local Rule 1.05(d)) and Signature of any unrepresented party:

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**MIDDLE DISTRICT OF FLORIDA**

**NOTICE, CONSENT, AND ORDER OF REFERENCE -  
EXERCISE OF JURISDICTION BY A UNITED STATES  
MAGISTRATE JUDGE**

v.

Case No.

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. 636(c), and Fed.R.Civ.P. 73, you are notified that a United States Magistrate Judge of this District Court is available to conduct any or all proceedings in this case including a jury or non-jury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a Magistrate Judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any Magistrate Judge or to the District Judge to whom the case has been assigned.

An appeal from a judgment entered by a Magistrate Judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of this District Court.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. 636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

| Party Represented | Signatures | Date  |
|-------------------|------------|-------|
| _____             | _____      | _____ |
| _____             | _____      | _____ |
| _____             | _____      | _____ |
| _____             | _____      | _____ |

**ORDER OF REFERENCE**

**IT IS ORDERED** that this case be referred to \_\_\_\_\_,  
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. 636(c) and Fed.R.Civ.P. 73.

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

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

**NOTE: RETURN THIS FORM TO THE CLERK OF COURT ONLY IF ALL PARTIES HAVE CONSENTED ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.**



