

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. XX-XXXXX-Civ-SCOLA**

XXXX

Plaintiff,

vs.

XXXXX

Defendant.

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**ORDER REQUIRING DISCOVERY AND SCHEDULING CONFERENCE AND  
ORDER REFERRING DISCOVERY MATTERS TO THE MAGISTRATE JUDGE**

THIS MATTER is before the Court upon an independent review of the record. It is **ORDERED and ADJUDGED** as follows:

1. The Plaintiff shall forward a copy of this Order to every Defendant immediately upon the filing of a response to the complaint by a Defendant in this case. If this matter has been removed from state court, the removing Defendant shall immediately forward a copy of this Order to every party who has made an appearance in the state court action.

2. Within twenty-one days of the filing of a response to the complaint by a Defendant in this matter, the parties shall meet and confer regarding discovery and scheduling issues, as set out in Federal Rule of Civil Procedure 26(f) and Local Rule 16.1(b). If this case was removed from state court, the parties' discovery and scheduling conference shall occur within twenty-one days of this Order.

3. Within fourteen days of the parties' discovery and scheduling conference, the parties shall file a joint discovery plan and conference report, as set forth in Federal Rule of Civil Procedure 26(f)(3) and Local Rule 16.1(b)(2). The parties should note that Federal Rule of Civil Procedure 26(f)(3)(B) and Local Rule 16.1(b)(C) requires the joint discovery plan and conference report to state the parties' proposed time limit to complete discovery.

4. The parties do not need to submit a joint proposed scheduling order pursuant to Local Rule 16.1(b)(3). Instead, the parties shall inform the Court, in their discovery plan and conference report, which case track they believe this case should be assigned pursuant to Local Rule 16.1(a) and the proposed time limit to complete discovery. In reporting this information, the parties should refer to the scheduling timelines set forth in Attachments "A" and "B" to this

Order. Attachment “A” should be used if the parties believe the case is straight-forward and may benefit from an expedited scheduling track. In most other cases, the standard scheduling track in Attachment “B” should be used. If the parties believe that this case is uniquely complex and requires more time the parties must set out the reasons justifying a more protracted schedule along with a proposed schedule of trial and pretrial deadlines.

5. Pursuant to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, all discovery motions in this matter are referred to the designated magistrate judge to take all necessary and proper action as required by law.<sup>1</sup> Any motion affecting the deadlines set by the Court’s Scheduling Order is excluded from this referral. In filing discovery motions, the parties shall follow the discovery procedures outlined in paragraph six of this Order.

6. **DISCOVERY MOTION PROCEDURES**: Discovery motions (which must contain the Local Rule 7.1(a)(3) certification of good-faith conference) shall be handled on an expedited briefing schedule and with a shortened page limitation, to prevent delay to the pretrial schedule. Accordingly, the parties shall file responses and replies to discovery motions no later than seven days after a motion, or response, is filed. These deadlines are inclusive of the “mailing” days allotted by the Federal and Local Rules. Any contrary deadlines that may appear on the Court’s docket or the attorneys’ deadline report, generated by CM/ECF, cannot modify this Order. Any discovery motion and response, including the incorporated memorandum of law, shall not exceed ten pages. Any reply memoranda shall not exceed five pages. Also, the parties should note that Federal Rule of Civil Procedure 29 permits parties to stipulate to extend the time for responding to interrogatories, requests for production, or requests for admissions, unless such extension would interfere with the deadline set for completing discovery, for hearing a motion, or for trial.

**DONE and ORDERED** in chambers, at Miami, Florida on

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**ROBERT N. SCOLA, JR.**  
**UNITED STATES DISTRICT JUDGE**

*Copies to:*  
Designated U.S. Magistrate Judge  
Counsel of record

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<sup>1</sup> Magistrate judges are designated as follows: Miami division cases, Judge Ted E. Bandstra; Fort Lauderdale division cases, Judge Robin S. Rosenbaum; West Palm Beach division cases, Judge James M. Hopkins.

**Attachment “A” to the Order Requiring Discovery and Scheduling Conference**

**Example Scheduling Timeline For Expedited Track Cases**

Days After Entry of The Scheduling Order	
28	Deadline to join additional parties or to amend pleadings.
60	Deadline to file joint interim status report. Deadline to file Proposed Order Scheduling Mediation, setting forth the name of the mediator, and the date, time, and location of the mediation, consistent with the Order of Referral to Mediation (which immediately follows this scheduling order).
120	Deadline to complete fact discovery. Deadline to submit joint notice indicating whether the parties consent to jurisdiction before the designated magistrate judge for purposes of final disposition. Deadline to disclose the identity of expert witnesses, and to exchange expert witness summaries/reports pursuant to Federal Rule of Civil Procedure 26(a)(2). Rebuttal disclosures are permitted, and shall conform to the deadline set forth in Federal Rule of Civil Procedure 26(a)(2)(C)(ii).
135	Deadline for the filing of all dispositive motions.
140	Deadline to complete mediation.
165	Deadline to complete all expert discovery.
60 days BEFORE calendar call	Deadline for the filing of pretrial motions, including motions <i>in limine</i> and <i>Daubert</i> motions.
10 days BEFORE the trial date	Deadline to file joint pretrial stipulation pursuant to Local Rule 16.1(e) and pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(3). Deadline to file proposed jury instructions (if the matter is set for a jury trial) or proposed findings of fact and conclusions of law (if the matter is set for a bench trial) pursuant to Local Rule 16.1(k).
250 (approximate)	Calendar Call.
255 (approximate)	Two-week trial period commences.

**Attachment “B” to the Order Requiring Discovery and Scheduling Conference**

**Example Scheduling Timeline For Standard Track Cases**

Days After Entry of The Scheduling Order	
35	Deadline to join additional parties or to amend pleadings.
90	Deadline to file joint interim status report.
180	Deadline to file Proposed Order Scheduling Mediation, setting forth the name of the mediator, and the date, time, and location of the mediation, consistent with the Order of Referral to Mediation (which immediately follows this scheduling order).
250	Deadline to complete all fact discovery. Deadline to submit joint notice indicating whether the parties consent to jurisdiction before the designated magistrate judge for purposes of final disposition. Deadline to disclose the identity of expert witnesses, and to exchange expert witness summaries/reports pursuant to Federal Rule of Civil Procedure 26(a)(2). Rebuttal disclosures are permitted, and shall conform to the deadline set forth in Federal Rule of Civil Procedure 26(a)(2)(C)(ii).
265	Deadline for the filing of all dispositive motions.
270	Deadline to complete mediation.
310	Deadline to complete all expert discovery.
60 days BEFORE calendar call	Deadline for the filing of pretrial motions, including motions <i>in limine</i> and <i>Daubert</i> motions.
10 days BEFORE the trial date	Deadline to file joint pretrial stipulation pursuant to Local Rule 16.1(e) and pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(3). Deadline to file proposed jury instructions (if the matter is set for a jury trial) or proposed findings of fact and conclusions of law (if the matter is set for a bench trial) pursuant to Local Rule 16.1(k).
375 (approximately)	Calendar Call.
380 (approximately)	Two-week trial period commences.