

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
CASE NO. [Case No.]-CIV-SEITZ/MCALILEY

[Plaintiff],  
Plaintiff,

vs.

[Defendant],  
Defendant.

\_\_\_\_\_ /

**ORDER REQUIRING JOINT SCHEDULING REPORT**

THIS MATTER came before the Court upon the filing of the Complaint that solely seeks statutory damages for a violation of the Fair Debt Collection Act, 15 U.S.C. § 1692, et seq. The Court has reviewed the Complaint and is otherwise fully advised. It is

ORDERED:

1. Plaintiff(s) shall provide copies of this order to all counsel and any unrepresented parties when they file an appearance in the case.

2. **Joint Scheduling Report (JSR)**. Pursuant to Fed.R.Civ.P 26(f) and Local Rule 16.1B, the parties are jointly responsible for conferring to develop a Joint Scheduling Report that sets out a proposed case management and discovery plan consistent with the dates set in the separate order of today's date setting the trial. By **[Due date - 60 days out]**, the parties must jointly file with the Court a scheduling report that includes a complete service list containing the names, addresses, phone, facsimile and bar numbers of each counsel. Parties need **not** submit a proposed scheduling order with the Report. **If Plaintiff has not effectuated service on all defendants at least forty (40) days from the date of this Order**, Plaintiff must file a motion to extend the time to file the JSR, specifying the date on which service will be completed and the JSR will be filed.

3. The **Joint Scheduling Report must include** the following:

A. A short, plain statement of the nature of the claim, any counterclaims, cross-claims or third-party claims with a good faith estimate of the specific dollar valuation of damages claimed and any other relief sought.

B. A brief summary of the facts that are uncontested or which can be stipulated to without discovery.

C. A list of the legal elements of each claim and defense asserted. Consult the Eleventh Circuit or applicable state standard jury instructions for such. This list will be used to help resolve relevance issues in discovery.

D. Whether discovery should be conducted in phases or limited to certain issues.

E. A detailed schedule of discovery for each party.

F. Proposed dates and/or deadlines: to join other parties; to amend pleadings; to complete fact and expert discovery; to exchange Fed. R. Civ. P. 26(a) (3) disclosures; to complete mediation; and to hold any status, specialized hearings (i.e., Markman), and pretrial conferences. **All Fed. R. Civ. P. 26(a)(3)(A) disclosures must be made at least forty (40) days before the agreed fact discovery cutoff.** Attachment A to this order is a case management deadline worksheet for the parties' convenience.

G. Estimated length of trial and whether it is jury or non-jury.

H. A list of all pending motions, whether each is "ripe" for review, the date each became ripe and a summary of the parties' respective positions with respect to each ripe motion.

I. Any unique legal or factual aspect of the case requiring the Court's special consideration.

J. A statement as to the need (or agreement) to refer matters, including motions to dismiss, motions for summary judgment and discovery to the Magistrate Judge or special master. As part of the Joint Scheduling Report, the parties shall jointly complete and file with the Court the **Magistrate Judge jurisdiction election form for motions appended to this Order as Attachment B**. The Court will not

accept unilateral submissions in this regard; thus, a “Yes” should be checked only if all parties agree. If all parties consent to a full disposition of the case by the Magistrate Judge, including trial and entry of final judgment, ***Attachment C*** is an election form which all parties must sign and file.

K. The status and likelihood of settlement.

L. Any other matters that Local Rule 16.1B requires, or that may aid in the fair, expeditious and efficient management and/or disposition of this action.

4. Disclosures required under Fed. R. Civ. P. 26(a)(1)-(2) must be made at or before the time the parties confer to develop their case management and discovery plan. The parties must certify in the Joint Scheduling Report that such disclosures have been made unless a party objects that the required disclosure(s) is not appropriate under the circumstances, and files an objection to the specific disclosure(s). Such filed objection must include a full explanation of the basis for the objection.

5. If after receipt of the parties’ Joint Scheduling Report the Court determines that a Rule 16(b) Fed. R. Civ. P. scheduling and planning conference is necessary, it shall set a hearing. The parties should be prepared to argue all motions pending at the time of such hearing.

DONE AND ORDERED in Miami, Florida, this \_\_\_\_ day of May, 2010.

\_\_\_\_\_  
PATRICIA A. SEITZ  
UNITED STATES DISTRICT JUDGE

cc: All counsel of record

**Case Management Deadline Worksheet**

- \_\_\_\_\_, \_\_\_ Joinder of parties and amendment of pleadings.
- \_\_\_\_\_, \_\_\_ Parties shall furnish opposing counsel with a written list containing the names and addresses of all fact witnesses intended to be called at trial and only those witnesses listed shall be permitted to testify unless good cause is shown and there is no prejudice to opposing party. The parties are under a continuing obligation to supplement discovery responses within ten (10) days of receipt or other notice of new or revised information.
- \_\_\_\_\_, \_\_\_ Plaintiff must furnish expert witness list to the Defendant, along with the summaries/reports required by Local Rule 16.1.K, and only those expert witnesses shall be permitted to testify. Within the fourteen day period thereafter, Plaintiff shall make its experts available for deposition by Defendant.
- \_\_\_\_\_, \_\_\_ Defendant must furnish expert witness list to the Plaintiff along with the summaries/reports required by Local Rule 16.1.K, and only those expert witnesses shall be permitted to testify. Within the fourteen day period thereafter, Defendant shall make its experts available for deposition by Plaintiff.
- \_\_\_\_\_, \_\_\_ All discovery must be completed.
- \_\_\_\_\_, \_\_\_ Mediation must be completed. (The parties should select the earliest date to maximize resolution of the case in a manner that promotes client and judicial economy.)
- \_\_\_\_\_, \_\_\_ Date of any other deadline the parties adopt as part of their case management plan, including *Daubert* or *Markman* hearing. In cases the parties anticipate a *Markman* hearing, counsel must provide dates for the exchange of proposed disputed claim terms, and due dates for Plaintiff's brief and Defendant's brief.

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\_\_\_\_\_ /

**ELECTION TO JURISDICTION BY A UNITED STATES  
MAGISTRATE JUDGE FOR FINAL DISPOSITION OF MOTIONS**

In accordance with the provisions of 28 U.S.C. 636(c), the undersigned parties to the above-captioned civil matter hereby jointly and voluntarily elect to have a United States Magistrate Judge decide the following motions and issue a final order or judgment with respect thereto:

- |    |                              |           |          |
|----|------------------------------|-----------|----------|
| 1. | Motions for Costs            | Yes _____ | No _____ |
| 2. | Motions for Attorney's Fees  | Yes _____ | No _____ |
| 3. | Motions for Sanctions        | Yes _____ | No _____ |
| 4. | Motions to Dismiss           | Yes _____ | No _____ |
| 5. | Motions for Summary Judgment | Yes _____ | No _____ |
| 6. | Other (specify) _____        |           |          |

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Plaintiff's Counsel)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Plaintiff's Counsel)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Defendant's Counsel)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Defendant's Counsel)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
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\_\_\_\_\_ /

**ELECTION TO JURISDICTION BY A  
UNITED STATES MAGISTRATE JUDGE FOR TRIAL**

In accordance with the provisions of 28 U.S.C. 636(c), the undersigned parties to the above-captioned civil matter hereby jointly and voluntarily elect to have a United States Magistrate Judge conduct any and all further proceedings in the case, including TRIAL, and entry of final judgment with respect thereto.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Plaintiff's Counsel)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Plaintiff's Counsel)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Defendant's Counsel)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature-Defendant's Counsel)