

**APPENDIX A**

Attorneys for Plaintiff

Attorneys for Defendant

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

) CASE NO.  
)  
)  
)  
)  
) JUDGE \_\_\_\_\_  
)  
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JOINT CASE MANAGEMENT PLAN

Instructions: In many cases there will be more parties in the action than there are spaces provided in this form. Each party shall provide all requested information. If the space on this form is not sufficient, the form should be retyped or additional pages attached.

No party may submit a separate Case Management Plan. Disagreements among parties with respect to any of the matters below shall be set forth in the appropriate section.

Having complied with the meet and confer requirements set forth in the LOCAL RULES, or with any orders specifically modifying their application in the above-captioned matter, the parties hereby submit the following Joint Case Management Plan.

(Revised 12/07)

## 1. Principal Issues

1.10 Separately for each party, please give a statement summarizing this case:

By plaintiff(s):

By defendant(s):

The principal factual issues that the parties

dispute are:

1.11

1.12

1.13

agree upon are:

1.20

1.21

1.22

1.30 The principal legal issues that the parties

dispute are:

1.31

1.32

1.33

agree upon are:

1.40

1.41

1.42

1.50 Identify any unresolved issues as to service of process, personal jurisdiction, subject matter jurisdiction, or venue:

1.60 Identify any named parties that have not yet been served:

1.70 Identify any additional parties that:

plaintiff(s) intends to join:

defendant(s) intends to join:

1.80 Identify any additional claims that:

plaintiff(s) intends to add:

defendant(s) intends to add:

## **2.0 Alternative Dispute Resolution ("ADR")**

2.10 Identify any ADR procedure to which this case already has been assigned or which the parties have agreed to use.

ADR procedure \_\_\_\_\_

Date ADR to be commenced \_\_\_\_\_

Date ADR to be completed \_\_\_\_\_

2.20 If the parties have been unable to agree on an ADR procedure, but one or more parties believes that the case is appropriate for such a procedure, identify the party or parties that recommend ADR and the specific ADR process recommended:

2.30 If all parties share the view that no ADR procedure should be used in this case, set forth the basis for that view:

### **3.0 Consent to Jurisdiction by a Magistrate Judge**

Indicate whether all parties agree, pursuant to 28 U.S.C. § 636(c)(1), to have a magistrate judge preside as the judge of the case with appeal lying to the United States Court of Appeals for the Third Circuit:

All parties agree to jurisdiction by a magistrate judge of this court: \_\_ Y \_\_ N.

If parties agree to proceed before a magistrate judge, please indicate below which location is desired for the proceedings:

\_\_\_ Scranton  
\_\_\_ Wilkes-Barre  
\_\_\_ Harrisburg

**4.0 Disclosures**

4.100 Separately for each party, list by name and title/position each person whose identity has been disclosed.

4.101 Disclosed by \_\_\_\_\_:

<u>Name</u>	<u>Title/Position</u>
4.102 _____	_____
4.103 _____	_____
4.104 _____	_____
4.105 _____	_____

4.151 Disclosed by \_\_\_\_\_:

<u>Name</u>	<u>Title/Position</u>
4.152 _____	_____
4.153 _____	_____
4.154 _____	_____
4.155 _____	_____

4.200 Separately for each party, describe by categories the documents that have been disclosed or produced through formal discovery, indicating which categories relate (even if not exclusively) to damages:

4.201 Categories of documents disclosed by \_\_\_\_\_:

- 4.202 \_\_\_\_\_
- 4.203 \_\_\_\_\_
- 4.204 \_\_\_\_\_
- 4.205 \_\_\_\_\_

4.251 Categories of documents disclosed by \_\_\_\_\_:

4.252 \_\_\_\_\_

4.253 \_\_\_\_\_

4.254 \_\_\_\_\_

4.255 \_\_\_\_\_

4.300 Additional Documents Disclosures: Separately for each party, describe each additional category of documents that will be disclosed without imposing on other counsel the burden of serving a formal request for production of documents:

4.301 Additional categories of documents \_\_\_\_\_ will disclose:  
(party)

4.302 \_\_\_\_\_

4.303 \_\_\_\_\_

4.304 \_\_\_\_\_

4.351 Additional categories of documents \_\_\_\_\_ will disclose:  
(party)

4.352 \_\_\_\_\_

4.353 \_\_\_\_\_

4.354 \_\_\_\_\_

4.400 Separately for each party who claims an entitlement to damages or an offset, set forth the computation of the damages or of the offset:

4.401 plaintiff's calculation of damages:

4.402 defendant's calculation of offset:

4.403 counter claimant/third party claimant's calculation of damages:

## 5.0 Motions

Identify any motion(s) whose early resolution would likely have a significant effect either on the scope of discovery or other aspects of the litigation:

Nature of Motion

Moving Party

Anticipated Filing Date

## 6.0 Discovery

6.100 Briefly describe any discovery that has been completed or is in progress:

By plaintiff(s):

By defendant(s):

6.200 Describe any discovery that all parties agree should be conducted, indicating for each discovery undertaking its purpose or what kinds of information will be developed through it (e.g., "plaintiff will depose Mr. Jones, defendant's controller, to learn what defendant's revenue recognition policies were and how they were applied to the kinds of contracts in this case"):

6.300 Describe any discovery that one or more parties want(s) to conduct but to which another party objects, indicating for each such discovery undertaking its purpose or what kinds of information would be developed through it:

6.400 Identify any subject area limitations on discovery that one or more parties would like imposed, at the first stage of or throughout the litigation:

6.500 For each of the following discovery tools, recommend the per-party or per-side limitation (specify a number) that should be fixed, subject to later

modification by stipulation or court order on an appropriate showing (where the parties cannot agree, set forth separately the limits recommended by plaintiff(s) and by defendant(s)):

6.501 depositions (excluding experts) to be taken by:

plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_

6.502 interrogatories to be served by:

plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_

6.503 document production requests to be served by:

plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_

6.504 requests for admission to be served by:

plaintiff(s): \_\_\_\_\_ defendant(s): \_\_\_\_\_

6.600 All discovery commenced in time to be completed by:

\_\_\_\_\_

6.700 Reports from retained experts due:

from plaintiff(s) by \_\_\_\_\_  
from defendant(s) by \_\_\_\_\_

6.800 Supplementations due \_\_\_\_\_

## **7.0 Protective Order**

7.1 If entry of a protective order is sought, attach to this statement a copy of the proposed order.

7.2 If there is a dispute about whether a protective order should be entered, or about certain terms of the proposed order, briefly summarize each party's position below:

**8.0 Certification of Settlement Authority (All Parties Shall Complete the Certification)**

I hereby certify that the following individual(s) have settlement authority.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_

\_\_\_\_\_  
Address

( )\_\_ - \_\_ Daytime Telephone

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_

\_\_\_\_\_  
Address

( )\_\_ - \_\_ Daytime Telephone

## 9.0 Scheduling

9.1 This case may be appropriate for trial in approximately:

\_\_\_ 240 Days from the filing of the action in this court

\_\_\_ 365 Days from the filing of the action in this court

\_\_\_ Days from the filing of the action in this court

9.2 Suggested Date for Trial:

\_\_\_\_\_ (month/year)

9.3 Suggested Date for the final Pretrial Conference:

\_\_\_\_\_ (month/year)

9.4 Final date for joining additional parties:

\_\_\_\_\_ Plaintiff(s)

\_\_\_\_\_ Defendants(s)

9.5 Final date for amending pleadings:

\_\_\_\_\_ Plaintiff(s)

\_\_\_\_\_ Defendants(s)

9.6 All potentially dispositive motions should be filed by:

\_\_\_\_\_

## 10.0 Other Matters

Make any other suggestions for the case development process, settlement, or trial that may be useful or necessary to the efficient and just resolution of the dispute.

## 11.0 Identification of Counsel

Counsel shall be registered users of the court's Electronic Case Files System (ECF) and shall file documents electronically in accordance with the Local Rules of Court and the Standing Order RE: Electronic Case Filing Policies and Procedures. Electronic filing is required unless good cause is shown to the Chief Judge why counsel cannot comply with this policy. Any request for waiver of electronic filing must be filed with the Clerk's Office prior to the case management conference. The Chief Judge may grant or deny such request.

Identify by name, address, and telephone number lead counsel for each party. Also please indicate ECF User status below.

Dated:

- 
- Attorney(s) for Plaintiff(s)
- ECF User(s)
  - Waiver requested (as separate document)
  - Fed.R.Civ.P.7.1 (statement filed if necessary)\*

Dated:

- 
- Attorneys(s) for Defendant(s)
- ECF User(s)
  - Waiver requested (as separate document)
  - Fed.R.Civ.P.7.1 (statement filed if necessary)\*

\* Fed.R.Civ.P.7.1 requires a nongovernmental corporate party to file a statement with the initial pleading, first entry of appearance, etc., that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock, or state there is no such corporation.