

**LOCAL RULES OF THE
UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF INDIANA**

WITH AMENDMENTS THROUGH JANUARY 1, 2007

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

District Judges

**Chief Judge Larry J. McKinney
Judge Sarah Evans Barker
Judge David F. Hamilton
Judge John Daniel Tinder
Judge Richard L. Young**

Magistrate Judges

**Magistrate Judge William G. Hussmann, Jr.
Magistrate Judge Tim A. Baker
Magistrate Judge William T. Lawrence
Magistrate Judge Jane Magnus-Stinson
Recalled Magistrate Judge Kennard P. Foster
Recalled Magistrate Judge John Paul Godich**

Clerk

Laura A. Briggs

Local Rule 16.1 - Pretrial Procedures

(a) Initial Pretrial Conference and Case Management Plan. In any civil case, the assigned or presiding Judge may direct the Clerk to issue notice of a pretrial conference, directing the parties to prepare and to appear before the Court.

(1) In all cases not exempted pursuant to subsection (e) of this Rule, the Court shall order the parties to appear for an initial pretrial conference.

(2) Unless otherwise ordered or exempted by subsection (e) of this Rule, the parties shall confer and prepare a case management plan and file it no later than 90 days from the date the case was filed or removed.

(3) Counsel for plaintiff shall be responsible for conferring with opposing counsel and coordinating timely completion and filing of the case management plan. If plaintiff fails to do so, counsel for defendant shall appear at the initial pretrial conference with a proposed case management plan.

(4) If the parties cannot agree on all provisions of the case management plan the parties shall file a joint plan setting forth their respective positions in the disputed portions of the case management plan. The court shall enter a case management plan that the court deems most appropriate with or without additional input from the parties.

(b) Format of Case Management Plan. Counsel shall complete the Uniform Case Management Plan in accordance with the instructions and form found on the Court's website: <http://www.insd.uscourts.gov><http://www.insd.uscourts.gov/judges.htm>
<http://www.insd.uscourts.gov/forms.htm>

(c) Additional Conferences. Counsel should expect that additional conferences may be set. At any such conference, counsel shall be prepared to address case management plan issues, settlement, trial readiness, and any other matters specifically directed by the Court. Prior to all court conferences, counsel shall confer to prepare for the conference.

(d) Deadlines. Deadlines established in any order or pretrial entry under this Rule shall not be altered except by agreement of the parties and the Court, or for good cause shown.

(e) Exempted Cases. Unless otherwise ordered by the court, the following types of cases will be exempted from the scheduling and planning requirements of Rule 16(b) of the FED. R. CIV. P.:

(1) An action for review of an administrative record;

- (2) A petition for habeas corpus or other proceeding to challenge a criminal conviction or sentence;
- (3) An action brought by a person in custody of the United States, a State or a State subdivision;
- (4) An action to enforce or quash an administrative summons or subpoena;
- (5) An action by the United States to recover benefit payments;
- (6) An action by the United States to collect on a student loan guaranteed by the United States;
- (7) A proceeding ancillary to proceedings in another court; and
- (8) An action to enforce, vacate or modify an arbitration award.
- (9) Mortgage foreclosures in which the United States is the Plaintiff; and
- (10) Civil forfeiture cases.

(f) Sanctions. Should a party fail to comply with any part of this Rule, the Court in its discretion may impose appropriate sanctions.

Commentary: The fundamental purpose of pretrial procedure as provided in Rule 16 of the FED. R. CIV. P. is to eliminate issues not genuinely in contest and to facilitate the trial of issues that must be tried. The normal pretrial requirements are set forth in Rule 16 of the FED. R. CIV. P. It is anticipated that the requirements will be followed in all respects unless any Judge of this Court shall vary the requirements and shall so advise counsel.

The objective of the case management plan is to promote the ends of justice by providing for the timely and efficient resolution of the case by trial, settlement or pretrial adjudication. In preparing the plan, counsel shall confer in good faith concerning the matters set forth above and any other matters tending to accomplish the objective of this Rule. The plan shall incorporate matters covered by the conference on which the parties have agreed as well as advise the Court of any substantial disagreements on such matters.

Notes: Rule substantially amended January 1, 2005, to maintain consistency with the Federal Rules of Civil Procedure. Amendments effective January 1, 2002. Subsections (9) and (10) of section (b) added January 1, 2002. Other Amendments effective January 1, 2001, to bring rule into compliance with FED R.CIV.P. 26, as amended December 1, 2000. Subsections (d)(2) and (h) amended effective January 1, 2000.