



LOCAL RULES OF COURT

Effective: July 1, 2005

LR 16.1 PRE-TRIAL PROCEDURES

LR 16.1.1 Scheduling and Pretrial Conferences - Generally.

A. There shall be two phases of pretrial scheduling as set forth in LR 16.1.2 – a discovery phase to be governed by an initial scheduling order and a post-discovery phase to be governed by a final scheduling order.

B. As soon as practicable but not later than thirty (30) days after the appearance of a defendant, a judicial officer shall enter an order setting forth the date and time of [a] an initial scheduling conference and the dates by which the parties shall confer and file the written report required by Fed.R.Civ.P. 26(f), which report shall be in the form set forth at Appendix B to these Rules. A judicial officer is either a United States District Judge or a United States Magistrate Judge. The judicial officer may defer [a] the initial scheduling conference if a motion that would dispose of all of the claims within the court's original jurisdiction is pending.

C. The judicial officer may conduct such further conferences as are consistent with the circumstances of the particular case and this Rule, and may revise any prior scheduling order for good cause.

D. At each conference each party not appearing pro se shall be represented by counsel who shall have full authority to bind the party in all pretrial matters and shall have authority to discuss settlement of the action. All counsel and unrepresented parties shall have sufficient knowledge of the claim asserted, defenses presented, relief sought and legal issues fairly raised by the pleadings so as to allow for a meaningful discussion of all such matters at each conference.

E. If ordered by the judicial officer or otherwise required by these Rules, counsel shall ensure that the parties are available, either in person or by telephone, at any conference, except that a governmental party may be represented by a knowledgeable delegate.

F. Upon request or sua sponte, the judicial officer may permit attendance by telephone of counsel or unrepresented parties at any conference.

G. Scheduling conferences shall not be conducted in any civil action that is referred to arbitration pursuant to LR 16.2, or in civil actions involving Social Security claims, bankruptcy appeals, habeas corpus, government collection and prisoner civil rights cases, unless the judicial officer to whom the case is assigned directs otherwise.

H. The judicial officer shall, after consultation with the parties, designate each civil action either Track I or II, as defined in LR 16.1.3.I.

I. The judicial officer shall advise each party of the provisions of LR 16.2 (Voluntary Arbitration).