

PROPOSED SCHEDULING ORDER INSTRUCTIONS

- Please remove this page from the copy that is filed with the court.
- Please email a copy of the proposed scheduling order in an editable format to the assigned magistrate judge's chambers. If a magistrate judge is not associated with the case, please email the copy to the district judge's chambers.
- WARNING – Do not use this proposed scheduling order for a patent, ERISA, or administrative review case under DUCivR 7-4.

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

<hr/> <div>Plaintiff,</div> <div>vs.</div> <div>Defendant.</div> <div>.</div>	Proposed Scheduling Order <hr/> <div>Case Number: <i>(including assigned judge initials and referred magistrate judge initials, if applicable)</i></div> <div>District Judge</div> <div>Magistrate Judge</div>
-------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Under Fed. R. Civ. P. 16(b), the Local Rules of Practice, and the Order to Propose Schedule, if applicable, an Attorney Planning Meeting has been held and the Attorney Planning Meeting Report has been completed. The following deadlines may not be modified without a court order consistent with Fed. R. Civ. P. 16(b)(4) and DUCivR 83-4.

**DEADLINES ARE 11:59 P.M. ON THE DATE INDICATED UNLESS
EXPRESSLY STATED OTHERWISE**

1. PRELIMINARY MATTERS

a.		Fed. R. Civ. P. 26(f)(1) Conference: <i>(date the conference was held)</i>	<u>00/00/00</u>
b.		Participants: <i>(include the name of the party and attorney, if applicable)</i>	
c.		Fed. R. Civ. P 26(a)(1) Initial Disclosures: <i>(the parties have exchanged initial disclosures or will exchange no later than the date provided)</i>	<u>00/00/00</u>

d.		Under Fed. R. Civ. P. 5(b)(2)(E), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by the court's electronic-filing system or email transmission. Electronic service constitutes notice and service as required by those rules. The right to service by USPS mail is waived.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
----	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------	-----------------------------

2. PROTECTIVE ORDER

a.		The parties anticipate the case will involve the disclosure of information, documents, or other materials that will be designated as confidential.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b.		If the case will involve the disclosure of information, documents, or other materials that will be designated as CONFIDENTIAL, then good cause exists for the court to enter the court's Standard Protective Order (SPO) under DUCivR 26-2: <i>(describe the need for a protective order)</i>		
c.		<p>If a protective order is needed and the parties are not using the court's SPO, then the court's SPO, in effect under DUCivR 26-2, will govern until a different protective order—proposed by the parties via motion under DUCivR 7-1(a)(4)(D)—is adopted by the court.</p> <p>The parties' proposed protective order should identify a process to resolve all claims of waiver of attorney-client privilege or work-product protection, whether or not the information, documents, or other materials will be designated as CONFIDENTIAL or ATTORNEYS' EYES ONLY, and this process must be included in the proposed protective order under Fed. R. Evid. 502(d): <i>(describe the process)</i></p>		
d.		If the parties do not anticipate the case will involve the disclosure of information, documents, or the materials that will be designated as CONFIDENTIAL, the parties still should identify, in the space below, a process to resolve all claims of waiver of attorney-client privilege or work-product protection, whether or not the information, documents, or other materials will be designated as CONFIDENTIAL or ATTORNEYS' EYES ONLY, and this process must also be included in the proposed Scheduling Order: <i>(describe the process)</i>		

3. DISCOVERY PLAN

a.		<u>Discovery Plan:</u> The parties agree to the following discovery plan. <ul style="list-style-type: none"> If the parties disagree, clearly indicate the disagreement in the space below: 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
----	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------	-----------------------------

b.		<u>Discovery Subjects:</u> (describe the subject areas in which discovery will be needed)		
c.		<u>Discovery Phases:</u> <ul style="list-style-type: none"> • Will discovery be conducted in phases? If so, please explain. • Will discovery be limited to or focused on particular issues? If so, please explain and identify whether discovery will be accelerated on any issue and the due dates. 		
d.		<u>Electronically Stored Information:</u> (describe how the parties will handle discovery of electronically stored information)		
e.		<u>Privilege or Protection – Trial Preparation Material:</u> (describe how the parties will handle claims of privilege or protection as to trial preparation material asserted after production)		
f.		<u>Generative Artificial Intelligence:</u> (describe the parties' agreement about using public Generative AI tools used to analyze any confidential information contained in a discovery production, including how the information will be destroyed upon completion of the litigation)		

4. FACT DISCOVERY

a.	Fact Discovery Limitations—		
	1.	Maximum number of depositions by Plaintiff:	<u>10 or #</u>
	2.	Maximum number of depositions by Defendant:	<u>10 or #</u>
	3.	Maximum number of hours for each deposition: (unless extended by agreement of parties)	<u>7 or #</u>
	4.	Maximum interrogatories by any party to any party:	<u>25 or #</u>
	5.	Maximum requests for admissions by any party to any party:	<u>#</u>
	6.	Maximum requests for production by any party to any party:	<u>#</u>
b.	Other Fact Discovery Deadlines—		
	1.	Deadline to serve written discovery:	<u>00/00/00</u>
	2.	Deadline for fact discovery to close:	<u>00/00/00</u>
	3.	Deadline for supplementation of disclosures and responses under Fed. R. Civ. P. 26(e): (optional)	<u>00/00/00</u>

5. AMENDING OF PLEADINGS AND JOINING OF PARTIES¹

a.	Deadline to file a motion to amend pleadings—		
1.	Plaintiff:		<u>00/00/00</u>
2.	Defendant:		<u>00/00/00</u>
b.	Deadline to file a motion to join additional parties—		
1.	Plaintiff:		<u>00/00/00</u>
2.	Defendant:		<u>00/00/00</u>

6. EXPERT DISCOVERY

a.	Filing of Notice of Designation required by DUCivR 26-1(a)(2)—		
1.	Parties bearing the burden of proof:		<u>00/00/00</u>
2.	Parties not bearing the burden of proof:		<u>00/00/00</u>
b.	Service of Fed. R. Civ. P. 26(a)(2) Disclosures and Reports—		
1.	Parties bearing the burden of proof:		<u>00/00/00</u>
2.	Parties not bearing the burden of proof:		<u>00/00/00</u>
3.	Rebuttal reports, if any:		<u>00/00/00</u>
c.	Deadline for expert discovery to close:		<u>00/00/00</u>

7. OTHER DEADLINES AND TRIAL-RELATED INFORMATION²

a.	Deadline for filing dispositive or potentially dispositive motions: <i>(including a motion to exclude experts when expert testimony is required to resolve the motion)</i>		<u>00/00/00</u>
b.	Deadline for filing a request for a scheduling conference for the purpose of setting a trial date if no dispositive motions are filed:		<u>00/00/00</u>

SO ORDERED this _____ day of _____, 202X.

BY THE COURT:

[Judge's Name]
[Type of Judge]

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

² The court will enter the date in Section 7.b.