

LCvR16.1 Pretrial Procedures.

(a) **Applicability of Rule.** All cases, except those exempted herein, are subject to the provisions of this Local Rule, but the judge assigned to any such case may, in his or her discretion, order the case exempt. Unless otherwise ordered by the Court, the following categories of actions are exempt from the requirements of Fed. R. Civ. P. 16(b) and this Local Rule:

- (1) Cases exempt from initial disclosure under Fed. R. Civ. P. 26(a)(1)(B);
- (2) Social Security Reviews/Appeals and other actions for review of administrative decisions;
- (3) Bankruptcy Appeals and Withdrawals;
- (4) Prisoner Petitions;
- (5) Immigration Actions;
- (6) Forfeiture and Statutory Penalty Actions;
- (7) Federal Tax Suits;
- (8) Multidistrict Litigation Actions;
- (9) Government Collection Actions;
- (10) Governmental Administrative Enforcement Proceedings;
- (11) Eminent Domain Proceedings;
- (12) Land Condemnation Actions;
- (13) Foreclosure Actions;
- (14) Rent, Lease and Ejectment Actions;
- (15) Tort Product Liability - Asbestos Cases Only;
- (16) Forfeiture/Statutory Penalty Actions;
- (17) Federal Tax Suits;
- (18) State Reapportionment Actions;
- (19) Commerce/ICC Rate Actions;
- (20) Deportation Actions;
- (21) Selective Service Actions;
- (22) Equal Access to Justice Actions;
- (23) Freedom of Information Act Suits;
- (24) Food Stamp Denial Actions;
- (25) Proceedings to compel arbitration or to confirm or set aside arbitration awards;
- (26) Proceedings to compel the giving of testimony or production of document under a subpoena or summons issued by an officer, agency or instrumentality of the United States not provided with authority to compel compliance;
- (27) Proceedings to compel the giving of testimony or production of documents in this District:
 - (A) in connection with discovery;
 - (B) in connection with testimony *de bene esse*;
 - (C) for perpetuation of testimony; or
 - (D) for use in a matter pending or contemplated in another U. S. District Court;

- (28) Proceedings to enforce or contest private party depositions;
- (29) Proceedings involving water rights matters;
- (30) Proceedings requesting injunctive or emergency relief only;
and
- (31) Cases assigned to be heard by a three judge panel.

In exempt cases, the court ordinarily will not issue standard scheduling orders, require compliance with the disclosure provisions of Fed. R. Civ. P. 26(a), or require compliance with Fed. R. Civ. P. 26(f) relating to planning meetings between the parties.

(b) **Scheduling and Planning.**

- (1) **Joint Status Report.** In all nonexempt cases, trial counsel for all parties, and pro se parties, if any, shall confer and prepare a Joint Status Report for submission to the Court, in accordance with Fed. R. Civ. P. 26(f), using a Joint Status Report form available in the Court Clerk's office. The Court may order the filing of a Joint Status Report by a date certain. However, if the Court does not order the submission of a Joint Status Report by a date certain, the Report shall be submitted in accordance with the timing set forth in Fed.R. Civ.P. 26(f).
- (2) **Required Attendance at Conference.** Counsel with authority to make appropriate decisions and pro se litigants shall attend any conference required by the Court. When justified by the circumstances, the Court may allow counsel or pro se litigants to participate in such conference by telephone. Pro se litigants and counsel shall be prepared to discuss all relevant matters enumerated in Fed. R. Civ. P. 16(c).

- (c) **Pretrial Responsibilities.**
- (1) **Preparation of Status Reports, Final Pretrial Orders, and Other Orders.**
- (A) Unless otherwise ordered by the Court, counsel for the plaintiff, with full and timely cooperation of other counsel and pro se parties, is responsible for preparing, obtaining approval of all parties, and furnishing the Court any status reports, pretrial orders or other orders required by the Court or these local rules.
- (B) The clerk who keeps the minutes of the scheduling and planning conference shall have forms available, whereby the time and/or date fixed by the Court for the performance of specified duties may be inserted. Upon request, counsel will be supplied with a copy of such form so that they may make their own notations of deadlines and of other orders prescribed by the judge presiding over the conference. Such executed form, when approved by the Court and filed, shall constitute the order of the Court as to such schedules without the necessity of filing any other order to the same effect. Unless otherwise directed by the assigned judge, the form and content of a jointly prepared, proposed, final Pretrial Order, conforming to the sample, shall be tendered to the Court Clerk by plaintiff's counsel seven (7) days in advance of the pretrial conference, unless otherwise ordered by the Court. Plaintiff's counsel shall provide to the Court Clerk the proposed final Pretrial Order in accordance with the

Administrative Guide regarding proposed orders.

- (2) **Default.** Failure to prepare and file a required Joint Status Report, failure to comply with the Final Pretrial Order, failure to appear at a conference, appearance at a conference substantially unprepared, or failure to participate in good faith may result in any of the following sanctions: the striking of a pleading, a preclusion order, stay of the proceeding, default judgment, assessment of expenses and fees (either against a party or the attorney individually), or such other order as the Court may deem just and appropriate.