

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

No. 1:00-cv-00000

XXXX,
Plaintiff,
v.
XXXXX,
Defendant.

JOINT DISCOVERY AND CASE MANAGEMENT PLAN

1. **Rule 26(f) meeting.** State where and when the parties met as required by Rule 26(f). Identify the counsel who attended for each party.
2. **Jurisdiction.**
 - a. **Basis.** Specify the basis of federal jurisdiction. Identify any disagreements about jurisdiction.
 - b. **Diversity.** For jurisdiction based on diversity, whether the case is filed originally in this Court or is removed from state court, state the amount alleged in controversy and identify any disagreements as to this amount. If the case involves an unincorporated entity as a party (such as an LLC, LLP, or partnership), state the citizenship of every member. Any such party must also attach to this filing an affidavit or declaration establishing citizenship of every member.
 - c. **Removal.** For cases removed from state court, provide the date(s) on which defendant(s) or their representative(s) first received a copy of the summons and petition. If different, provide the date on which each defendant was served with a copy of the summons and

petition. Additionally, identify any defendant that did not join in the notice of removal and explain why.

3. Case background and summary.

- a. General description.** Briefly describe what this case is about. State the elements of each cause of action, defense, and counterclaim, including citation to supporting authority for the elements of each claim or defense. Identify any disagreement about the elements of each cause of action, defense, or counterclaim.
- b. Related case.** Identify all related cases pending in any other state or federal court. For each case, provide the court and case number, and describe how the case relates to this case.
- c. Narrowing factual issues.** Specify any agreements or stipulations that can be made about any relevant facts or any element in the cause(s) of action.
- d. Narrowing legal issues.** State any legal issues that can be narrowed by agreement or by motion.
- e. Class issues.** Describe any class-action or collective action issues. Provide the proposed definition of the class. Identify the basis for any opposition.

4. Parties.

- a. Unserved parties.** List any unserved parties. State the date by which any unserved party will be served. If more than 90 days have passed since the filing of the complaint or petition, state whether the unserved parties should be dismissed and if not, why not.
- b. Additional parties.** List any anticipated additional parties. Identify the party seeking to add them, briefly explain why, and indicate a date by which to do so.

- c. **Interventions.** List and briefly explain any anticipated interventions.

5. Scheduling Order.

- a. **Proposed Scheduling Order.** Submit as an attachment to this Joint Discovery and Case Management Submission a proposed scheduling order using the form found on the Court's webpage¹ in Word format. The form includes bracketed intervals that are the Court's presumptive schedule. The parties shall insert proposed calendar dates in place of those bracketed intervals.
- b. **Deviations and disagreements.** Identify, and provide reasons supporting, any material deviation between the parties' proposed dates and the dates produced by applying the form's presumptive intervals and deadlines. The parties must confer in good faith to seek agreement on deadlines for completion of all pretrial matters.

6. Other Orders.

- a. **Protective order.** State whether the parties will submit for entry of a protective order and describe any confidentiality issues. Parties should be aware that a protective order governs how parties exchange information between themselves in discovery. But once a document is filed with the Court, it becomes a judicial record, and "[t]he public's right of access to judicial records is a fundamental element of the rule of law." *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 417 (5th Cir. 2021). See also Local Rule CV-5.2.

¹ <https://www.txwd.uscourts.gov/team/andrew-b-davis/>

- b. **E-discovery order.** State whether the parties will submit a proposed order addressing electronic discovery. Describe any issues about disclosure or discovery of electronically stored information.

7. Discovery.

- a. **Initial disclosures.** State whether each party has completed its Rule 26(a) initial disclosures. *See* Fed. R. Civ. P. 26(a)(1)(C) (disclosures due within 14 days of the Rule 26(f) conference absent stipulation or order). If a party has not completed these disclosures, specify the date by which it will do so.
- b. **Topics and limitations.** Specify the topics upon which discovery is needed. State whether the parties have considered conducting discovery in phases and whether the parties have considered limiting discovery. Limiting discovery may include limiting topics discovery as well as methods of discovery (e.g., limiting number of depositions).
- c. **Completed.** Specify any discovery already underway or accomplished.
- d. **Preservation.** Describe any issues about preservation of discoverable information.
- e. **Disputes.** Specify any discovery disputes that exist.

8. Settlement and Alternative Dispute Resolution.

- a. **Settlement.** Discuss the possibility for prompt, agreed resolution of the case in its entirety as well as resolution of individual claims. State the present status of settlement negotiations to date. Identify the individual with settlement authority for each party.
- b. **Alternative Dispute Resolution.** State the parties' position(s) on the advisability of referring the case for me-

diation or another alternative dispute resolution method. A response to this item along with the Settlement item above satisfies the parties' obligation to provide a report on alternative dispute resolution under Local Rule CV-88.

9. Trial.

- a. Magistrate Judge.** State whether the parties consent to trial (jury or non-jury) before a United States Magistrate Judge. Before responding to this question, counsel are directed to carefully review the provisions of 28 U.S.C. § 636(c) and, specifically, section 636(c)(3).
- b. Jury demand.** Identify any party that has made a jury demand and whether it was timely.

10. Pending motions. List all pending motions.

11. Standing orders. State that you have read and agree to comply with any standing orders on the Court's website directing practice before the Court.

12. Other matters. List any other matter that deserves attention at the initial pretrial conference.

Respectfully submitted,

[Date]	[Plaintiff Signature Block]
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[Date]	[Defendant Signature Block]
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