

APPENDIX N

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
_____ DIVISION

_____,
PLAINTIFF(S)
V.
_____,
DEFENDANT(S)

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CIVIL ACTION NO. _____

JOINT FEDERAL RULE OF CIVIL PROCEDURE 26 REPORT

1. What are the causes of action, defenses, and counterclaims in this case? What are the elements of the cause(s) of action, defenses, and counterclaims pled?
2. Are there any outstanding jurisdictional issues? For removed cases based on diversity jurisdiction:
 - a. Do the parties agree that the amount in controversy exceeded \$75,000 at the time of removal? If not, each party should state its position on the amount in controversy.
 - b. If any party is a partnership or limited liability company, have the parties confirmed the citizenship of all partners/members in determining whether diversity exists?
3. Are there any unserved parties? If more than 90 days have passed since the filing of the Complaint or petition, should these unserved parties be dismissed?
4. Are there any agreements or stipulations that can be made about any facts in this case or any element in the cause(s) of action?
5. Are there any legal issues in this case that can be narrowed by agreement or by motion?
6. Are there any issues about preservation of discoverable information?

7. Are there any issues about disclosure or discovery of electronically stored information? In what forms should electronically-stored information be produced and will production include metadata?
8. What are the subjects on which discovery may be needed?
9. Have initial disclosures been made? If not, should any changes be made in the timing, form, or requirement for initial disclosures?
10. What, if any, discovery has been completed? What discovery remains to be done and when should it be completed? Have the parties considered conducting discovery in phases or agreeing to limit discovery?
11. What, if any, discovery disputes exist?
12. Have the parties discussed the desirability of filing a proposed order pursuant to Federal Rule of Evidence 502?
13. Have the parties discussed early mediation?
14. Have the parties considered seeking entry of a confidentiality and protective order and are there any other scheduling or discovery items requiring the court's attention?

Counsel for Plaintiff(s)

Date

Counsel for Defendant(s)

Date