

RULE 26(f) REPORT INSTRUCTIONS
U.S. District Judge Tucker L. Melançon

NOTE: Mail, e-mail, or deliver the original Rule 26(f) Report directly to the Magistrate Judge assigned to the case. DO NOT SEND THIS REPORT TO THE CLERK OF COURT. If you wish to e-mail the report, you must e-mail the ORDER in WORD PROCESSING format, and the Rule 26(f) Report in PDF format to the appropriate e-mail address. For Magistrate Judge Hill send to hill_orders@lawd.uscourts.gov. For Magistrate Judge Hanna sent to hanna_orders@lawd.uscourts.gov. You are still obligated to provide opposing counsel with a copy of the submission.

1. Participants:

List all unrepresented parties and all counsel participating in the conference and the parties they represent.

2. Affirmation Regarding Initial Disclosures:

The parties shall affirm that they have complied with the initial disclosure requirements of FED. R. CIV. P. 26(a)(1) by the deadline contained in the Scheduling Order. (or explain why not they have not complied).

3. Jurisdictional Basis:

The parties shall state the jurisdictional basis for the suit and any objections to jurisdiction.

4. Brief Description of Claims:

Each party asserting a claim, counterclaim, cross-claim, third-party claim or intervention shall *briefly* state: (a) the specific facts which support the claim or claims; (b) the law and/or any contractual provision supporting the claim; and (c) the relief requested as to each defendant. (mere repetition of pleadings is to be avoided)

5. Brief Statement of Responses:

Each party against whom a claim has been made shall provide the following information: (a) the alleged basis of each claim; (b) affirmative defenses asserted as to each claim and the bases therefor; and (c) as to each claim made, whether the dispute is one of law, fact, or contractual interpretation.

6. Anticipated Amendments to Pleadings:

Each party shall identify any amendments to pleadings that the party anticipates filing.

7. Anticipated Motions:

Each party shall identify any motion (dispositive or otherwise) that the party anticipates filing.

8. Anticipated Expert Witnesses:

Each party shall identify by name (if known), area of expertise, and subject matter of anticipated expert testimony for all experts who may be called to testify at trial. The information requested except for the experts' name should be provided whether or not experts have actually been retained as of the date of the report.

9. Discovery Plan:

The parties have received a discovery plan in the Scheduling Order previously issued in this case. If the parties conclude that a more case specific Scheduling Order is required please indicate same so that a telephone conference with Judge Melançon can be set.

10. Stipulations:

List any matters to which the parties can stipulate. Counsel are encouraged to stipulate to as many factual and legal issues as possible to reduce client costs and trial delays.

11. Major Issues of Fact in Dispute:

Each party shall identify the major issues of fact in dispute.

12. Major Issues of Law in Dispute:

Each party shall identify the major issues of law in dispute.

13. Rule 16 Conference:

The parties are advised that a Rule 16 conference with the assigned magistrate judge may be beneficial. Such conferences can be held in chambers or by telephone, and often result in a substantial reduction in the time and expense spent in pretrial preparation. **Each party shall state whether the party believes a Rule 16 conference would be beneficial. If there is consensus, please provide four mutually convenient dates and times for a conference.** In certain cases, the magistrate judge may *sua sponte* schedule a Rule 16 conference.

14. Related Case Information:

Please state whether this case is related in any way to any other pending case, whether federal or state, civil or criminal. If so, please list 1) the name of the related case; 2) the court in which it is pending; 3) the docket number; 4) the assigned judge(s); and 5) a brief description of how the cases are related.

15. Alternative Dispute Resolution (ADR):

Counsel and any unrepresented party shall affirm that prior to the Rule 26(f) conference they discussed the possibility of resolving the dispute through ADR and that at the Rule 26(f) conference they discussed in good faith the feasibility of using ADR. Counsel and any unrepresented party shall also indicate whether ADR will be pursued, and if so, at what stage of the litigation. If the parties agree that a settlement conference before a judicial officer would be productive, they are to provide four (4) mutually convenient dates for such a conference.

16. Consent Trials:

Counsel and unrepresented parties are advised of their right to consent to trial by a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) which *may* in appropriate cases result in an earlier trial date. All counsel and unrepresented parties must complete and sign the [AO85 – Notice, Consent, and Reference of a Civil Action to a Magistrate Judge](#) to establish consent jurisdiction. Consents to proceed before the Magistrate Judge shall be e-mailed to: lawdml_consents@lawd.uscourts.gov. Consents are **not** to be filed into the record by the parties.

17. Track Assignment:

This case is assigned to the general civil track. In appropriate cases the parties may request a transfer to an accelerated or standby docket. Please indicate whether such request is being made so a telephone conference with Judge Melançon can be set.

18. Electronic Courtroom:

Counsel shall state here whether this case will be document-intensive, i.e., requiring the admission of more than twenty-five (25) documents at trial. If so, counsel shall set out their best estimate of the number of pages and/or documents that will be introduced into evidence at trial. Presentation of all documentary

evidence in document-intensive cases shall be by CD-ROM unless consent of court is otherwise obtained. Judge Melançon's requirements for presentation of evidence in document-intensive cases will be discussed more fully at the status and pretrial conference.

NOTE: In jury trials that are not document-intensive, the Court generally requires that documents and exhibits be shown to the jury via use of the "Visual Presenter" or CD-ROM.

19. Electronically Generated Exhibits or Aids:

Any party who anticipates using electronically-generated exhibits or demonstrative aids at trial shall describe the anticipated exhibit or aid. "Electronically generated exhibits or aids" refers to any exhibit or demonstrative aid which is CREATED in whole or in part with the aid of computer software, but excludes evidence which is merely to be EXHIBITED or presented by way of computer, CD-ROM or video presenter.

20. Handicap Provisions:

If the parties anticipate the need for handicap accommodations for any party, witness or trial participant, it is necessary to advise the Court of the nature of the handicap so appropriate accommodations can be made.

21. Insured Claims and Claims Involving Contractual Indemnity:

If the named defendants anticipate that they will have cross-claims or third-party claims against parties who will provide insurance or indemnity for any of the asserted claims, the defendants are to identify such parties and produce copies of the applicable insurance policies or indemnity agreements to the other parties and the Court. If upon review of the documents by the Court it is determined that an assertion of the cross-claims and third-party claims will assist in the simplification of the subject litigation, the Court, upon its own motion or the motion of any party, will conduct a hearing to allow the parties to show cause why the absent persons should not be immediately joined and the anticipated claims asserted. If the Court determines that the anticipated cross-claims or third-party claims will simplify the litigation, the Court may assign such claims to an accelerated Scheduling Order.

- a. 21 days after Rule 26(f) conference: Joinder of Third-Party Defendants and deadline to assert cross-claims seeking insurance coverage or indemnification.
- b. 51 days after Rule 26(f) conference: Production of all applicable insurance agreements, indemnity agreements, arbitration agreements and applicable contracts.
- c. 81 days after Rule 26(f) conference: Discovery deadline for third-party and cross-claims.
- d. 111 days after Rule 26(f) conference: Dispositive motion deadline for third-party and cross-claims.