

RULE 26(f) REPORT – PHASE I
INSTRUCTIONS
U.S. District Judge Rebecca F. Doherty

NOTE: This Report shall be filed directly into the record by the parties.

1. Participants:

List 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. (If counsel have not complied, counsel must explain why they have not.)

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 the following (*do not simply repeat the pleadings*): (a) the specific claims asserted and the applicable law supporting each claim; (b) the specific facts supporting each claim or claims; and (c) the remedy prayed for as to each defendant and its basis in law.

5. Brief Statement of Responses:

Each party against whom a claim has been asserted shall provide the following information: (a) whether the dispute in question is one of law, fact, or contractual interpretation; (b) the basis or lack thereof for each claim; and (c) all affirmative defenses asserted and the legal bases therefor.

6. Anticipated Witness List:

The parties are to file an anticipated witness list, which conforms with the privacy concerns addressed in FED. R. CIV. P. art. 5.2. The list must include all persons identified to date, and must comport with FED. R. CIV. P. 26(a)(3) and FED. R. CIV. P. 5.2(a).

7. Anticipated Expert Witnesses:

The parties shall list by name, if known, any anticipated expert witnesses, their field of expertise, and the subject matter of their testimony. If counsel has not yet retained expert witnesses, he or she may indicate the types of expert witnesses, by fields of expertise, counsel anticipates he or she will hire.

8. Anticipated Exhibit List:

The parties shall list anticipated exhibits they may use to support their claims or defenses, unless used solely for impeachment. See FED. R. CIV. P. 26(a)(3); see also, e.g. Chiasson v. Zapata Gulf Marine Corp., 988 F.2d 513 (5th Cir. 1993).

9. Discovery Plan:

The parties shall indicate whether they will adopt the Court's discovery plan as set forth in this Court's Scheduling Order. In the event the parties do not adopt this Court's discovery plan, they shall devise their own discovery plan in accordance with the requirements set forth in FED. R. CIV. P. 26(f)(3); a copy of this discovery plan shall be filed contemporaneously with the instant Rule 26(f) Report. The parties shall

indicate whether they anticipate any issues regarding claims of privilege, or of protection of trial-preparation materials. Should any issue regarding claims of privilege, or of protection of trial-preparation materials arise later, the issue shall be presented to the Court by appropriate motion.

10. 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.

11. Consent Trials:

Counsel are advised of their right to consent to trial by a Magistrate Judge pursuant to 28 U.S.C. § 636(c). All counsel and/or 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.

12. Electronic Courtroom:

Counsel are hereby placed on notice that the Court generally requires that documents or exhibits be presented at trial by scanned electronic documents, which are presented using counsel’s lap top computer, a third party counsel has hired for this purpose, or through the Courtroom Deputy’s computer. In cases with few documents, counsel may use the “Visual Presenter.” However, in all document intensive trials, counsel must present documents and exhibits by way of scanned electronic documents. Should counsel wish to present documents or evidence by way of scanned electronic documents using the courtroom deputy’s computer, a CD-ROM with the scanned electronic documents must be delivered to the courtroom deputy at least seven days before trial. Counsel must also schedule a meeting with the courtroom technology coordinator by this date. Should counsel wish to present electronic documents by use of his or her personal equipment (or a third party’s equipment who has been hired for these purposes), he (or the third party) is to schedule a meeting with the courtroom technology coordinator by this date. *See* <http://www.lawd.uscourts.gov> for additional information regarding technological requirements, etc.

13. 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 in advance of trial. Please identify the nature of the handicap so the necessary accommodations can be made.

14. Certification:

Counsel are to certify that the report is accurate and complete.

Counsel are under a continuing obligation to timely supplement this information throughout the course of litigation.