

Form 6A:1 Joint Discovery Plan

{ *CAPTION – FORM 1B:1* }

JOINT DISCOVERY PLAN

The parties file this report of their conference under Federal Rule of Civil Procedure 26(f).

A. INTRODUCTION

1. { *Name of attorney* } represents plaintiff, { *name* }.
2. { *Name of attorney* } represents defendant, { *name* }.
3. On { *date* }, attorneys for all parties met to confer on the matters outlined in Rule 26(f)(2). The conference was held as soon as practical and at least 21 days before { *the scheduling conference/the scheduling order is due* }, which is on { *date* }.

B. CLAIMS & DEFENSES

4. { *Briefly summarize plaintiff's theory of liability and defendant's theory of defense.* }

C. SETTLEMENT

5. { *Briefly summarize the possibilities for prompt settlement or resolution of the case.* }

D. DISCOVERY PLAN

INITIAL DISCLOSURES UNDER FEDERAL RULE OF CIVIL PROCEDURE 26(A)(1)

{ *CHOOSE APPROPRIATE PARAGRAPH 6* }

6. The parties have made their initial disclosures as required by Rule 26(a)(1). Plaintiff made { *his/her/its* } initial disclosures on { *date* }, and defendant made { *his/her/its* } initial disclosures on { *date* }.

6. The parties have not yet made their initial disclosures as required by Rule 26(a)(1). Because { *state reason for modifying initial-disclosure schedule* }, the parties propose the following:

- a. The initial disclosures will be modified as follows: { *state terms of proposed plan* }.
- b. Plaintiff will make { *his/her/its* } initial disclosures on { *date* }, and defendant will make { *his/her/its* } initial disclosures on { *date* }.

EXPERT DISCLOSURES UNDER FEDERAL RULE OF CIVIL PROCEDURE 26(A)(2)

{ *CHOOSE APPROPRIATE PARAGRAPH 7* }

7. The parties will make their expert disclosures as required by Rule 26(a)(2).

7. Because *{state reason for modifying expert-disclosure requirements}*, the parties propose the following:

- a. The expert disclosures will be modified as follows: *{state terms of proposed plan}*.
- b. Plaintiff will make *{his/her/its}* expert disclosures on *{date}*, and defendant will make *{his/her/its}* expert disclosures on *{date}*.

PRETRIAL DISCLOSURES UNDER FEDERAL RULE OF CIVIL PROCEDURE 26(A)(3)

{CHOOSE APPROPRIATE PARAGRAPH 8}

8. The parties will make their pretrial disclosures at least 30 days before trial as required by Rule 26(a)(3)(B).

8. Because *{state reason for modifying pretrial-disclosure requirements}*, the parties propose the following:

- a. The pretrial disclosures will be modified as follows: *{state terms of proposed plan}*.
- b. Plaintiff will make *{his/her/its}* pretrial disclosures on *{date}*, and defendant will make *{his/her/its}* pretrial disclosures on *{date}*.

SCOPE OF DISCOVERY

9. The parties believe that discovery of documents, electronically stored information, and tangible things, in addition to the disclosures required by Rule 26(a), will be necessary on *{identify subjects of additional discovery}*. The parties believe that this additional discovery will be completed by *{date}* in accordance with the parties' *{state title of document, e.g., Stipulated Discovery Plan & Order}*, which is attached to this plan.

DISCOVERY OF ELECTRONICALLY STORED INFORMATION

{CHOOSE APPROPRIATE PARAGRAPH 10}

10. The parties do not believe that discovery of electronically stored information will be necessary. *{See O'Connor's Federal Rules, "Involvement of ESI," ch. 6-C, §7.2.1, p. 496.}*

10. The parties believe that discovery of electronically stored information will be necessary. Therefore, the parties (1) suggest that such discovery be conducted in accordance with the parties' *{state title of document, e.g., Stipulated Discovery Plan & Order}*, which is attached to this plan, and (2) agree that the Court should enter the proposed order under Federal Rule of Civil Procedure 16(b). *{See O'Connor's Federal Rules, "FRCP 26(f) Conference," ch. 6-C, §7, p. 495.}*

10. The parties believe that discovery of electronically stored information will be necessary. However, the parties have been unable to reach an agreement on the protocol for conducting such discovery. Specifically, *{itemize each issue on which the parties have been unable to reach an agreement and state each party's position}*. *{See O'Connor's Federal Rules, "FRCP 26(f) Conference," ch. 6-C, §7, p. 495.}*

ASSERTING CLAIMS OF PRIVILEGE & PROTECTION

{CHOOSE APPROPRIATE PARAGRAPH 11}

11. The parties do not anticipate that the claims *{insert if appropriate: and defenses}* will involve the disclosure or discovery of a substantial amount of documents, electronically stored information, or tangible things. Therefore, no additional procedures are necessary beyond those provided for in Federal Rule of Civil Procedure 26(b)(5) for asserting claims of privilege, protection, or other exemption from discovery.

11. The parties anticipate that the claims *{insert if appropriate: and defenses}* will involve the disclosure and discovery of a substantial amount of documents, electronically stored information, or tangible things. To facilitate the discovery of these materials and reduce costs and delays, the parties (1) suggest that all claims of privilege, protection, or other exemption from discovery be asserted and resolved in accordance with the parties' *{state title of document, e.g., Stipulated Discovery Plan & Order}*, which is attached to this plan, and (2) agree that the Court should enter the proposed order under Federal Rule of Civil Procedure 16(b). *{See O'Connor's Federal Rules, "Asserting claims of privilege & protection," ch. 6-A, §4.4.5(4), p. 417; "FRCP 16 Conference & Order," ch. 6-C, §8, p. 498.}*

OTHER DISCOVERY ISSUES

12. *{Party}* believes that certain limits should be placed on the use of discovery materials in this case. *{Explain, e.g., discovery in this case will involve confidential materials.}* Therefore, *{party}* asks the Court to approve the *{state type of order, e.g., Stipulated Protective Order}*, which is attached to this plan. *{Adverse party}* *{opposes/agrees to}* the entry of this order. When considering the order, *{party}* asks the Court to make specific findings of the harm that would be caused to *{party}* if the requested limits are not placed on the use of discovery materials.

13. *{Explain any other discovery issues that require court approval or consideration.}*

E. ADDITIONAL ORDERS

{ADD PARAGRAPH 14 IF APPROPRIATE}

PRESERVATION PLAN

14. The parties believe that a preservation plan for documents, electronically stored information, and tangible things is necessary to preserve materials that are relevant to the

claims and defenses asserted in this case or that may lead to the discovery of admissible evidence. The parties (1) suggest that documents, electronically stored information, and tangible things be preserved in accordance with the parties' *{state title of document, e.g., Stipulated Preservation Plan & Order}*, which is attached to this plan, and (2) agree that the Court should enter the proposed order under Federal Rule of Civil Procedure 16(b). *{See O'Connor's Federal Rules, "Preservation plan," ch. 6-A, §4.4.4, p. 417; "FRCP 16 Conference & Order," ch. 6-C, §8, p. 498.}*

15. *{List any other orders the Court should issue under Rule 16(b), 16(c), or 26(c).}*

F. CONCLUSION

16. All parties participated in the conference and agree to this discovery plan.

APPROVED:

{Attorney for plaintiff}

APPROVED:

{Attorney for defendant}