

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PLAINTIFF

v.

DEFENDANT

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CIVIL ACTION NO.

CASE MANAGEMENT PLAN

Please restate each instruction before furnishing the requested information.

Any differences between parties as to the response(s) to any matter must be set forth in this report.

This document is available in Microsoft Word format on the [Court's website](#).

1. State where and when the conference required by Federal Rule of Civil Procedure 26(f) was held, and identify the counsel who attended for each party, including name, address, bar number, phone and fax numbers, and email address.
2. List the name, address, bar number, phone and fax numbers, and email address of counsel and any unrepresented person who will appear at the Scheduling Conference on behalf of the parties. Appearing counsel must be an attorney of record, have full authority to bind clients and enter into stipulations regarding all matters that may be discussed.
3. List the correct names of the parties to the action.
4. List any related cases pending in any state or federal court. Include the case numbers, the courts, and how they are related, including the patents involved.
5. Briefly summarize in three (3) pages or less: (a) What this case is about, and (b) Each claim or defense.¹
6. List anticipated additional parties that may be included, when they might be added, and by whom. Plaintiff should also indicate if it anticipates filing additional related cases in this district.
7. List anticipated intervenors.
8. Describe the proposed discovery/case management plan, including:

¹ The parties should not simply recite their pleadings.

- (a) The subjects on which discovery may be needed;
 - (b) The steps already taken or that will be taken for preserving discoverable information, including ESI;
 - (c) Any issues relating to claims of privilege or protection, including whether any agreement has been reached as to inadvertent production;
 - (d) Of whom Plaintiff anticipates taking oral depositions; and
 - (e) Of whom Defendant anticipates taking oral depositions.
9. Specify any discovery beyond the initial disclosures that has taken place to date.
10. State the progress made toward settlement, and the present status of settlement negotiations by providing the information set out below.²
- a. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in the Rule 26(f) meeting.
 - b. Describe what each party has done or agreed to do to bring about a prompt resolution of this case.
 - c. State whether a demand and an offer have been made.
 - d. If the parties have agreed on a specific mediator, state the name and address of the mediator and at what stages of the litigation mediation is most appropriate.
11. United States Magistrate Judges are vested with full authority to try both jury and nonjury trials. State whether the parties agree to trial before a United States Magistrate Judge.³
12. State whether a jury demand has been made and if it was made on time.
13. List all pending motions.
14. Certify that all parties have filed Disclosure of Interested Persons as directed in paragraph 3 in the **Order to Meet, Report, and Appear at Scheduling Conference**, listing the date of the original and any amendments.

² This must be a detailed answer. Do not submit a generic recitation that settlement was discussed but was unsuccessful.

³ Parties consenting should file the appropriate form as soon as possible. See [Local Rule App. B.](#)