

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

O. JOHN BENISEK, et al.

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Plaintiffs

\*

vs.

Civil Action No. JKB-13-3233

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LINDA H. LAMONE, et al.

\*

Defendants

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**SCHEDULING ORDER**

Although this matter is pending before a three judge court, all preliminary matters, including scheduling and oversight of discovery, will be decided by the undersigned sitting alone subject to review by the full court. This scheduling order is being entered pursuant to Local Rule 103.9. Any inquiries concerning the schedule should be directed to my chambers, not to the Clerk's Office. Any party who believes that any deadline set forth in this Scheduling Order is unreasonable may request in writing a modification of the Order or that a conference be held for the purpose of seeking a modification of the Order, and any such request must be made on or before the first date set forth in Paragraph I below. Thereafter, **the schedule will not be changed except for good cause.**

This case is subject to electronic filing. Please familiarize yourself with the procedures for electronic filing available at: [www.mdd.uscourts.gov](http://www.mdd.uscourts.gov). You must use the electronic filing system for filing documents with the Clerk and sending case related correspondence to chambers. **When you electronically file a document that, including attachments, is 15 pages or longer, you also must provide a paper copy of the document and a paper copy of the notice of electronic filing.** The paper copy should be sent to the Clerk's Office, not directly to my chambers.

I. DEADLINES

November 21, 2016:

Deadline for Plaintiffs or Defendants to seek leave to amend pleadings or join additional parties

February 10, 2017

Deadline for completion of all fact discovery; parties shall submit a joint status report regarding the status of discovery and their positions regarding the necessity of summary judgment motions practice

February 10, 2017:	Plaintiff's Rule 26(a)(2) disclosures
March 10, 2017:	Defendant's Rule 26(a)(2) disclosures
March 17, 2017:	Plaintiff's rebuttal Rule 26(a)(2) disclosures
March 24, 2017:	Rule 26(e)(2) supplementation of disclosures and responses
March 24, 2017:	Expert discovery deadline; submission of status report

## II. DISCOVERY

### Initial Disclosures

This is an action in which Fed. R. Civ. P. 26(a)(1) disclosures need not be made.

### Discovery Conference

This action is exempted from the requirements of Fed. R. Civ. P. 26(d)(1) and from Fed. R. Civ. P. 26(f). However, you are encouraged to confer with one another immediately in order to: (a) identify the issue(s), (b) set a discovery plan, (c) determine if the case can be resolved before your clients incur further litigation expense, (d) discuss any issues about preserving discoverable information, and (e) establish a cordial professional relationship among yourselves.

### Procedure

All the provisions of Local Rule 104 apply, including the following:

- a. All discovery requests must be served in time to assure that they are answered before the discovery deadline. An extension of the deadline will not be granted because of unanswered discovery requests.
- b. The existence of a discovery dispute as to one matter does not justify delay in taking any other discovery. The filing of a motion to compel or a motion for a protective order will not result in a general extension of the discovery deadline.
- c. No discovery materials, including Rule 26(a)(1) and Rule 26(a)(2) disclosures, should be filed with the court.
- d. Motions to compel shall be filed in accordance with Local Rule 104.8 and applicable CM/ECF procedures.

- e. Please be familiar with the Discovery Guidelines of this Court which are Appendix A to the Local Rules. Appendix D contains guidelines for form discovery requests and confidentiality orders that may be helpful to you.

#### Deposition Hours

Each party shall be limited to 10 fact witness depositions (if either party designates multiple witnesses to provide testimony under Federal Rule of Civil Procedure 30(b)(6), that testimony shall constitute one deposition). If there are two or more parties on a particular side, they must share the deposition time allotted to their side unless upon your request I otherwise rule. Any colloquy engaged in by counsel shall be counted against his/her client's deposition time.

#### Other Limitations

Each party shall be limited to 25 interrogatories. Each party shall be limited to 25 requests for admission. Each party shall be limited to 30 requests for production.

### III. STATUS REPORT

The parties shall file on the day of the discovery deadline a status report covering the following matters:

- a. Whether discovery has been completed;
- b. Whether any motions are pending;
- c. Whether any party intends to file a dispositive pretrial motion;
- d. The anticipated length of trial;
- e. A certification that the parties have met to conduct serious settlement negotiations; and the date, time and place of the meeting and the names of all persons participating therein;
- f. Whether each party believes it would be helpful to refer this case to another judge of this court for a settlement or other ADR conference, either before or after the resolution of any dispositive pretrial motion;
- g. Any other matter which you believe should be brought to the court's attention.

#### IV. DISPOSITIVE PRETRIAL MOTIONS

If more than one party intends to file a summary judgment motion, the provisions of Local Rule 105.2.c apply.

After motions and responses thereto have been filed, I will advise you if a hearing is to be scheduled.

#### V. STATUS AND PRETRIAL CONFERENCES

I will set a scheduling conference after the status report has been filed, unless that report indicates that one or more of you intends to file a dispositive pretrial motion. In the latter event I will not set a scheduling conference until after the Court has ruled upon the motion (or the dispositive pretrial motion deadline passes without the anticipated motion being filed).

At the scheduling conference:

- a. I will set a deadline for submitting the proposed pretrial order and motions *in limine*. In addition to filing the proposed pretrial order via CM/ECF, counsel is asked also to submit it to Chambers in MSWord file format via the Chambers inbox at [MDD\\_JKBChambers@mdd.uscourts.gov](mailto:MDD_JKBChambers@mdd.uscourts.gov).
- b. I will set a pretrial conference date and a trial date.

#### VI. ATTORNEYS' FEES

In any case where attorneys' fees may be sought by the prevailing party, counsel must be familiar with the provisions of Local Rule 109.2 and the Rules and Guidelines for Determining Attorneys' Fees in Certain Cases which are Appendix B to the Local Rules.

#### VII. COMPLIANCE WITH LOCAL RULES AND CM/ECF PROCEDURES

The court will demand compliance with the Local Rules and CM/ECF procedures. If you need to obtain a copy of the Local Rules or the CM/ECF procedures, they are available on our website at [www.mdd.uscourts.gov](http://www.mdd.uscourts.gov).

#### VIII. COMPLIANCE WITH PRIVACY PROTECTION RULE

Counsel are reminded that the Federal Rules of Civil Procedure were amended, effective December 1, 2007, with the addition of a new Rule 5.2 which has detailed requirements requiring the redaction of filings with this court that contain an individual's social security

number, tax payer identification number, or birth date, the name of an individual known to be a minor, or a financial account number. It is essential that counsel comply with this rule and with the revised version of the Judicial Conference Privacy Policy adopted in March 2008. For further information on the Judicial Conference Privacy Policy see:

[http://www.mdd.uscourts.gov/news/news/privacy\\_memo.pdf](http://www.mdd.uscourts.gov/news/news/privacy_memo.pdf).

Date: November 16, 2016

\_\_\_\_\_/s/  
James K. Bredar  
United States District Judge