

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|----------------------|---|----------------------------|
| |) | |
| |) | |
| Plaintiff(s), |) | Case No. |
| |) | |
| v. |) | |
| |) | REPORT OF PARTIES' |
| |) | PLANNING CONFERENCE |
| |) | |
| Defendant(s). |) | |

Counsel for the parties met on _____ in person/by telephone. Representing plaintiff(s) was/were _____; representing defendant(s) was/were _____. The parties discussed the case and jointly (except as noted below) make the following report:

1. The elements of the plaintiff's claims and the elements disputed by defendant are as follows:

- a. Jurisdiction
- b. Venue

NOTE: If either jurisdiction or venue is being challenged, state whether counsel wish to delay proceeding with the initial phases of discovery until those issues have been decided, and if so, (i) how soon a motion to dismiss or transfer will be filed, and (ii) what, if any, initial discovery, limited to that issue, will be necessary to resolve the motion. _____

c. CLAIM I: _____

Elements of Claim I: (list and number all substantive elements):

Of those elements, defendant disputes the following elements: _____

_____.

d. CLAIM II: _____

Elements of Claim II: (list all substantive elements):

Of these elements, defendant disputes the following elements: _____

_____.

2. The elements of the defenses raised by the pleadings are:

a. FIRST DEFENSE: _____

Elements (again, by number):

Of these elements, plaintiff disputes the following elements: _____

_____.

b. SECOND DEFENSE: _____

Elements:

Of these elements, plaintiff disputes the following elements: _____

_____.

3. Of the *disputed* elements identified above by all parties, discovery will be necessary to resolve the following elements: _____.

4. The plaintiff ___ does ___ does not anticipate a need to amend pleadings or add parties; if necessary, plaintiff can file the necessary motions to add parties or amend pleadings by: _____. If more than ninety days, the reasons that much time is necessary are: _____.

5. The defendant ___ does ___ does not anticipate a need to amend pleadings or add parties; if necessary, defendant can file the necessary motions to add parties or amend pleadings by: _____. If more than ninety days, the reasons that much time is necessary are: _____.

6. The parties submit that the following elements of the pending claims or defenses may be appropriate for disposition by summary judgment or partial summary judgment: _____; and state that the discovery necessary to determine whether to file summary judgment motions on such element(s) can be completed by _____.

7. The parties submit the following plan for their completion of discovery:

a. Disclosures required by Rule 26(a)(1), including a statement of how each matter disclosed relates to the elements of the *disclosing party's* claims or defenses, ___ have been completed; ___ will be completed by _____.

b. _____ Is the maximum number of interrogatories, including subparts, that may be served by any party on any other party.

c. _____ Is the maximum number of depositions that may be taken by plaintiffs as a group and defendants as a group.

d. Depositions shall be limited by Rule 30(d)(2) *except* the depositions of _____, which by agreement are limited as follows: _____.

e. All parties will *identify* experts (i.e., *without* the full reports required by Rule 26(a)(2), by _____.

8. _____ a. The parties request that this case be referred immediately for mediation in accordance with the court's Mediation Plan as amended October 1, 2000, to the following mediator from the court's list of approved mediators: _____.

_____ b. The parties state that they intend to hire their own mediator or neutral person for mediation or negotiation, and request that the court stay further progression of this case for _____ days to accommodate their efforts to

settle now.

_____ c. The parties state that this case will not be settled, and the court should not plan or schedule settlement conferences, mediation or other alternative dispute resolution techniques.

_____ d. The parties submit that the minimum discovery necessary for counsel to negotiate toward settlement is: _____
_____, and state that it will be completed by _____. The parties anticipate the court will contact them at that time to further explore settlement.

9. The parties ___ do ___ do not consent to trial by a magistrate judge. If the parties consent to trial by a magistrate judge, enclose the executed consent.

10. The parties now anticipate that the case can be ready for trial in _____, 200____. If more than eight months are required, state the special problems or circumstances that necessitate that much time for trial preparation are: _____

_____.

11. It now appears to counsel that the trial of this case, if necessary, will require _____ trial days.

12. Other matters to which the parties stipulate and/or which the court should know/consider:

_____.

Counsel for Plaintiff

Counsel for Defendant