

The parties are required to address procedures to preserve electronically stored information, to avoid inadvertent privilege waivers, and to determine the form in which electronic information will be produced. The cost of producing the information must be discussed.

4. Electronic Discovery

It is expected that the parties will reach an agreement on how to conduct electronic discovery. In the event the parties cannot reach such an agreement before the Rule 16 scheduling conference, the court will enter an order incorporating default standards. The default order can be viewed under Judge Kearney's policies at www.paed.uscourts.gov.

5. Expert Witness Disclosures

Indicate agreement on timing and sequence of disclosure of the identity and anticipated testimony of expert witnesses, including whether depositions of experts will be needed.

The parties should expect that the court requires expert reports to be exchanged simultaneously, witness rebuttal reports required shortly thereafter, and expert discovery to be completed with fact discovery.

6. Settlement or Resolution

The parties must familiarize themselves with Local Rule 53.3 before responding. Recite the parties' demands and offers to date, discussion of resolution through ADR or otherwise. Explain what steps were taken by counsel to advise the client of ADR options.

Fully explain any decision not to seek early resolution and when mediation would be appropriate.

7. Trial

A firm trial date will be scheduled at or shortly after the pre-trial conference. Please advise of any pre-paid vacation, medical plans or other irreversible conflict for you or your client in the following five (5) to eight (8) months.

8. Referral to Magistrate Judge

Please provide a statement whether all parties agree to a referral of this case to U.S. Magistrate Judge Heffley for trial.¹

¹ Magistrate Judges are authorized, with agreement of the parties, to try any civil case, jury or non-jury, with appeals filed directly with the Court of Appeals. All cases assigned to

9. Other Matters

Indicate discussion and agreement on matters not addressed above, but which will affect the just and timely resolution of the case.

(Counsel for Plaintiff)

(Counsel for Defendant)

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Judge Heffley are given a firm trial date.