

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

Plaintiff(s),
-v-

Defendant(s).
----- X

_____ Civ. _____ (KBF)
SCHEDULING ORDER

KATHERINE B. FORREST, District Judge:

The parties propose the following schedule for this matter:

1. All parties **[do / do not]** consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.¹
2. Amended pleadings may not be filed, and no party may be joined, without leave of Court more than 20 days after the filing of this Order or the filing of a responsive pleading, whichever occurs first.
3. Close of fact discovery: _____. **[within 4 months unless the case is particularly complex]**
4. Close of expert discovery: _____. **[25 days after the close of fact discovery; the parties are to negotiate interim dates regarding expert witnesses]**

The parties contemplate experts in this matter for the following subject(s): _____.

5. **[For F.L.S.A. actions only]** Plaintiff(s) **[do / do not]** anticipate making a motion for conditional certification of a collective action under 29 U.S.C. § 216(b). Plaintiff(s) shall include a proposed notice with the opening brief.

¹ If all parties so consent, they should execute a consent form (available at <http://www.nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge>) and submit it to the Court via e-mail, along with this proposed order.

Proposed briefing schedule:

Opening: _____ [30 days after initial conference]
Opp'n: _____ [21 days after opening brief]
Reply: _____ [7 days after opposition brief]

6. The parties [**do** / **do not**] anticipate making dispositive motions. The contemplated dispositive motion(s) is/are a motion(s) _____.

Proposed briefing schedule:

Opening: _____ [no later than item 3]
Opp'n: _____ [21 days after opening brief]
Reply: _____ [7 days after opposition brief]
Last dates to file; motions may be brought at any time.

7. Trial [**will** / **will not**] be before a jury.

DO NOT FILL IN BELOW. THE COURT WILL SET ITEMS 7-10.

8. The next status conference is set for _____ at _____.

9. Pretrial materials, including the Joint Pretrial Order ("JPTO"), are due: _____.

10. The Final Pretrial Conference ("FPTC") is set for _____ at _____.

Motions in limine are due two weeks before FPTC; oppositions are due one week later. Daubert motions are due four weeks before FPTC; oppositions are due two weeks later. (No replies.)²

11. Trial in this matter shall commence on _____. Trial is anticipated to take _____ [days / weeks].

² Deadlines for motions in limine and Daubert motions are generalized and subject to change. The parties may request modified schedule if desired.

Settlement discussions must occur in parallel to this schedule (schedule will not be adjourned, except in very unusual situations, for settlement discussions).

SO ORDERED.

Dated: New York, New York
_____, 2015

KATHERINE B. FORREST
United States District Judge