

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

PLAINTIFF,	)	Case No.
	)	
Plaintiff(s),	)	Judge J. Philip Calabrese
	)	
v.	)	Magistrate Judge _____
	)	
DEFENDANT,	)	
	)	
Defendant(s).	)	
	)	

**RULE 26(F) REPORT OF THE PARTIES**

(updated January 2, 2024)

When preparing this Report, please note that the Court will refer back to this document throughout the pretrial management of the case.

**1. Attendance at 26(f) Conference.**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 16.3, a conference was held on \_\_\_\_\_, 2024, in person/over the phone/by Zoom, and attended by:

\_\_\_\_\_, counsel for Plaintiff(s) \_\_\_\_\_;

\_\_\_\_\_, counsel for Plaintiff(s) \_\_\_\_\_;

\_\_\_\_\_, counsel for Plaintiff(s) \_\_\_\_\_;

and

\_\_\_\_\_, counsel for Defendant(s) \_\_\_\_\_;

\_\_\_\_\_, counsel for Defendant(s) \_\_\_\_\_;

\_\_\_\_\_, counsel for Defendant(s) \_\_\_\_\_.

**2. Initial Disclosures.**

The Court *strongly* prefers that the parties exchange *robust* initial disclosures at least 7 days *before* the Rule 26(f) conference to facilitate discussions.

**SCHEDULING THE CASE MANAGEMENT CONFERENCE:**

At the request of the parties, the Court will reschedule the case management conference to allow the parties to exchange initial disclosures before the Rule 26(f) conference.

**IMPORTANT NOTICE FOR PARTIES:**

Before counsel commit to dates and a discovery plan, the Court expects that they have consulted with their respective clients and that clients have provided counsel with sufficient and accurate information to conduct a meaningful conference with opposing counsel and the Court, including on matters regarding discovery of electronically stored information and the key issues on which the parties require early and limited discovery or rulings to facilitate prompt resolution, if one is possible.

Once the Court sets dates at the case management conference or at any subsequent conference, the Court will *not* change those deadlines without a showing of good cause. Good cause does not include a failure to conduct a reasonable investigation or to have an adequate conference about the issues before the deadline was set.

The parties:

\_\_\_ have exchanged the initial disclosures required by Rule 26(a)(1);

\_\_\_ will exchange such disclosures by \_\_\_\_\_;

If selecting this option, please explain why counsel decided to hold the Rule 26(f) conference without the benefit of initial disclosures:

\_\_\_ have not been required to make initial disclosures.

If selecting this option, please identify the provision of Rule 26 authorizing an exemption:

**3. Track.**

The parties recommend the following track for this matter:

Standard                       Expedited                       Complex  
 Administrative                       Mass Tort

**4. Consent to Magistrate Judge.**

The parties  **DO** /  **DO NOT** consent to the jurisdiction of a United States Magistrate Judge under 28 U.S.C. § 636(c).

Short of the case as a whole, are there any specific issues or limited proceedings, such as motions for preliminary injunction, hearings, or discovery geared toward a dispositive issue, for which partial consent to the jurisdiction of a United States Magistrate Judge under 28 U.S.C. § 636(c) might be appropriate?

If so, please identify those issues or proceedings to which the parties are willing to consent:

**5. Preservation.**

Did the parties discuss issues relating to the preservation of documents?

Yes                       No

Did the parties discuss issues relating to the preservation of electronically stored information, including emails, social media, or other information?

Yes                       No

**6. Electronically Stored Information.**

Have counsel conferred with their respective clients about the types, sources, and volume of potentially discoverable electronically stored information?

Counsel for Plaintiff: \_\_\_\_\_

Counsel for Defendant: \_\_\_\_\_

The parties:

\_\_\_ agree that there will be no discovery of electronically stored information;

\_\_\_ have agreed to a method for conducting discovery of electronically stored information, which they will submit to the Court for entry by \_\_\_\_\_; or

\_\_\_ have agreed to follow the default standard for discovery of electronically stored information found in Appendix K to the Local Rules.

If using Appendix K to the Local Rules, by initialing below counsel certify that they exchanged the information required by Paragraphs 3(a) and 3(d) of Appendix K and designated an e-discovery coordinator pursuant to Paragraph 4.

Counsel for Plaintiff \_\_\_\_\_

Counsel for Defendant \_\_\_\_\_

Please identify the designated e-discovery coordinator:

Plaintiff: \_\_\_\_\_

Defendant: \_\_\_\_\_

**7. Claims of Privilege or Protection.**

The parties have discussed issues regarding information protected by attorney-client privilege and the work-product doctrine:

Yes  No

The parties have agreed to a procedure, or any other agreement, to assert these claims under Rule 502 of the Federal Rules of Evidence:

Yes  No

The parties have agreed on a procedure to assert claims of privilege or protection *after* production:

Yes  No

The parties have agreed on the timing, contents, and format for privilege logs.

Yes  No

The parties agree that the Court should enter an order pursuant to Rule 502(d) that attorney-client privilege or work-product protection is not waived by disclosure connected to this matter pending before the Court, and further that any such disclosure does not operate as a waiver in any other federal or State proceeding:

Yes  No

If the parties do not believe the Court should enter an order pursuant to Rule 502(d), please explain:



**9. Recommended Plan for Case Management and Discovery.**

**IMPORTANT NOTICE FOR PARTIES:**

At the request of the parties, the Court will reschedule the case management conference to allow counsel to provide as complete, specific, and meaningful information as possible in this section.

The Court understands that the information provided here will change during the course of litigation, but expects parties to exercise reasonable diligence and act in good faith to provide this information at the outset of the case.

What are the *specific* disputes of fact or law at the heart of the case that will drive dispositive motions, trial on the merits, or another resolution?

Bearing in mind the proportionality requirement of Rule 26(b)(1), please provide the following information:

What discovery, if any, is necessary to frame the disputes of law or fact identified above or other key issues? If that discovery includes depositions, please identify the deponent by name (if known), with a brief description of the witness's role in the case and what information the party taking the deposition seeks to discover.

Again, mindful of the proportionality requirement of Rule 26(b)(1), please provide the following information:

Not including discovery regarding authenticity, ministerial matters, or the like:

How many requests for production of documents do counsel anticipate serving?

Plaintiff: \_\_\_\_\_

Defendant: \_\_\_\_\_

How many requests for admission do counsel anticipate serving?

Plaintiff: \_\_\_\_\_

Defendant: \_\_\_\_\_

What motions, if any, do the parties anticipate filing?

Do the parties anticipate serving any third-party subpoenas? If so, please identify the recipients and information sought:



Mindful of the proportionality requirement of Rule 26(b)(1), please provide the following information:

Please identify the subjects, if any, on which the parties anticipate expert testimony:

Please describe, in detail, the additional subjects, if any, on which discovery is likely to be sought, as well as the nature and extent of that anticipated discovery:

What changes, if any, should be made to the limitations on discovery under the Rules? Should discovery proceed in stages or phases or be sequenced in any particular fashion?

What other limitations on discovery, if any, do the parties believe should be imposed?

What other issues do the parties anticipate arising in discovery or in the life of the case?

**10. Alternative Dispute Resolution.**

The parties agree that this matter:

\_\_\_ is *presently suitable* for alternative dispute resolution (“ADR”) and recommend the following method:

\_\_\_ Early Neutral Evaluation                      \_\_\_ Mediation

\_\_\_ Arbitration    \_\_\_ Summary Jury Trial

\_\_\_ Summary Bench Trial

\_\_\_ is *not presently suitable* for ADR, but may be after some discovery.

If the parties believe this matter is not presently suitable for ADR but might be later, please identify with particularity what discovery would be necessary before ADR might be appropriate:

\_\_\_ is *not suitable* for ADR at any time.

If the parties believe this matter is not and will not be suitable for ADR at any time, please explain:

**11. Proposed Dates.**

**IMPORTANT NOTICE:**

If the Court enters a Case Management Order with dates the parties propose, those deadlines will not be adjusted except on a showing of good cause made sufficiently in advance of the deadline.

Subject to that admonition, the parties propose the following dates for this matter:

Cut-off Date to Amend the Pleadings: \_\_\_\_\_

Cut-off Date to Add Parties: \_\_\_\_\_

Deadline for Motions Directed at the Pleadings: \_\_\_\_\_

Fact Discovery Cut-Off: \_\_\_\_\_

Initial Expert Report(s) Due: \_\_\_\_\_

Rebuttal Expert Report(s) Due: \_\_\_\_\_

Expert Discovery Cut-Off: \_\_\_\_\_

Dispositive Motion Deadline: \_\_\_\_\_

Status Conference: \_\_\_\_\_

The next status conference should be held: by phone/using Zoom/in person

**12. Other Matters.**

If there are other matters the parties would like to bring to the Court's attention, please do so here:

**Signatures, Representations, and Commitments:**

The Court requires counsel and parties to sign this Report, and they may do so in counterparts. Parties must physically (not electronically) sign; counsel may sign electronically.

In the case of an entity, the person signing this Report must identify his or her title and must have authority to bind the entity to the positions represented in this Report.

By signing this report, the parties certify that they have provided their counsel with sufficient and accurate information to conduct a meaningful conference after exercising reasonable diligence. Further, the parties certify that they have reviewed the information provided in Section 9 above.

By signing this report, the parties and their counsel certify that they have conferred in good faith, the answers and information provided in this Report are complete and accurate to the best of their knowledge after reasonable inquiry, and no position taken or stated in this Report is asserted for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Attorney for Defendant

### 13. Litigation Funding

Litigants must disclose any interest that might give rise to an actual conflict or the appearance of a conflict for any party, counsel, or the Court. Therefore, in addition to the disclosures under Local Rule 3.13 and Section 2 of the Court's Civil Standing Order, each party must submit a complete list of any persons, associations, firms, partnerships, corporations (including parent corporations, direct or indirect affiliates, joint venture partners, or others), guarantors, insurers, or other entities (other than counsel of record) which:

- (a) have a financial interest (direct, indirect, or as a cross-holder) in the subject matter in controversy or in a party to the proceeding or in the stock of a party (or affiliate) to the proceeding;
- (b) fund (directly or indirectly) the prosecution of any claim, defense, or counterclaims; or
- (c) have any other interest that could be substantially affected by the outcome of the proceeding, including but not limited to actual or functional decision-making authority with respect to litigation strategy, settlement, or other decisions normally reserved to parties or counsel.

Each party may submit this disclosure *ex parte* by email to [calabrese\\_chambers@ohnd.uscourts.gov](mailto:calabrese_chambers@ohnd.uscourts.gov).

Each party must physically (not electronically) sign this disclosure; counsel may sign electronically. If this information changes during the course of the litigation, counsel and parties are under a continuing obligation to update this disclosure.

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Party

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Counsel