

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

SCHEDULING ORDER FORM

1. **Introduction:** Pursuant to Federal Rule of Civil Procedure 16(b), a scheduling conference was held in this case on _____.
2. **Jurisdiction:** In this case, the subject matter jurisdiction of the Court has been invoked pursuant to 28 U.S.C. § _____ and is not in dispute.
3. **Consent to a Magistrate Judge:** The parties do not consent that all proceedings in this case may be conducted by a United States Magistrate Judge in accordance with 28 U.S.C. § 636(c).
4. **Disclosure and Discovery:**
 - (a) **Rule 26(f) Meeting:** The parties have held a discovery planning meeting as required by Rule 26(f).
 - (b) **Discovery Plan:** The parties have filed with the Court a discovery plan in accordance with Rule 26(f).
 - (c) **Initial Disclosures:** The parties have made all disclosures required by Rule 26(a)(1).
 - (d) **Expert Testimony:** Disclosure of any expert testimony any party seeks to use to meet its burden of proof shall be made on or before _____ in accordance with Rules 26(a)(2)(B) and 26(a)(2)(C) of the Federal Rules of Civil Procedure. Disclosure of rebuttal expert testimony shall be made by the parties on or before _____. Rebuttal expert testimony challenges the opinions or methods of a previously disclosed expert and is no broader in scope.
 - (e) **Final Witness List:** On or before _____, the parties shall provide to all other parties a final witness list in accordance with Rule 26(a)(3)(A)(i). Within five days after service of this final witness list, the list may be supplemented. After that time the list may be supplemented with leave of the court and for good cause.
 - (f) **All Discovery:** All discovery, including the taking of depositions “for evidence,” depositions of experts, and requests for admissions, shall be completed by _____.

- (g) **Pretrial Disclosures**: On or before _____, the parties shall make the pretrial disclosures specified in Rule 26(a)(3)(A)(ii) and (iii). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.

5. **Other Scheduling Matters**:

- (a) **Amendment of Pleadings**: If any party wishes to amend the pleadings, such motion should be filed on or before _____.
- (b) **Dispositive Motions**: All dispositive motions under Rule 12 and all motions for summary judgment pursuant to Rule 56 shall be filed as soon as possible, but no later than _____. The failure to timely file such motions will be grounds to summarily deny them. The parties must comply with § 5.H. of the Court's preferences concerning joint appendices relating to motions for summary judgment.
- (c) **Daubert Motions**: All motions to exclude expert testimony pursuant to Federal Rule of Evidence 702 should be filed as soon as possible but no later than _____.
- (d) **Motions in Limine**: Any motions in limine must be filed no later than _____. Consistent with Local Rule 7.1, the parties are limited to one motion in limine that identifies all evidence sought to be excluded and one supporting brief not to exceed twenty-five pages. Separately filed motions in limine will be summarily denied. Evidence sought to be excluded should be attached as an exhibit to the motion in limine to the extent practicable. Additionally, the Court will not entertain a motion to exclude expert testimony styled as a motion in limine. Any motions to exclude expert testimony pursuant to Federal Rule of Evidence 702 must be filed on or before the *Daubert* motion deadline set forth in § 5(c).
- (e) **Special Requests to Instruct for Jury Trial**: The parties shall confer and submit a joint proposal for jury instructions on or before _____. Before submitting the joint proposal to the Court, the parties must attempt to resolve any disagreements. To the extent there are disagreements as to specific instructions that cannot be resolved, the parties should provide competing instructions in their joint proposal. All jury instructions in the joint proposal, including agreed instructions and competing instructions, shall be supported by citations of authority pursuant to Local Rule 7.4. A copy of the proposed jury instructions should be sent to mcdonough_chambers@tned.uscourts.gov.

6. **Final Pretrial Conference**: A final pretrial conference will be held in Courtroom 3 on _____, at **3:00 p.m.** at the U. S. Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee. The parties shall prepare and submit a final pretrial order to the Court on or

before the date of the final pretrial conference. A sample copy of the final pretrial order is located on the district court's web page at <http://www.tned.uscourts.gov>. The parties shall file trial briefs on anticipated evidentiary and legal issues at least three business days before the Final Pretrial Conference. Prior to the final pretrial conference, the parties shall file an exhibit list and provide the Court with exhibits pre-marked for identification purposes. The parties shall be prepared to discuss the admissibility of such exhibits at the final pretrial conference.

7. ***Trial:*** The trial of this case will be held in Chattanooga before the United States District Judge **and a jury** beginning on _____, at **9:00 a.m.** If this case is not heard immediately, it will be held in line until the following day or anytime during the week of the scheduled trial date. **SHOULD THE SCHEDULED TRIAL DATE CHANGE FOR ANY REASON, THE OTHER DATES CONTAINED IN THIS ORDER SHALL REMAIN AS SCHEDULED. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD NOTIFY THE COURT AND SEEK AN ORDER CHANGING THOSE DATES.**¹

SO ORDERED.

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**

¹ The demands of the Court's docket dictate that all trials, including all pretrial hearings, in civil cases be conducted in Chattanooga, Tennessee. The Court will, however, entertain motions to conduct trial in another division of this Court upon a showing of good cause by the parties. Any such motions must be filed **after the dispositive motions deadline but no later than four weeks before the final pretrial conference**, and the grant or denial of the same rests in the Court's discretion.