

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

MAY -9 AM 9:45

CIVIL ACTION NO. 5:03CV42-OC-10GRJ  
OCALA, FLORIDA

GARY L. LANE, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
 )  
 )  
SUMTER ELECTRIC COOPERATIVE, )  
INC., a Florida Corporation, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civil Action No.: 5:03CV42-OC-10GRJ

**CASE MANAGEMENT REPORT**

1. Meeting of Parties: Pursuant to Local Rule 3.05(c)(2)(B) or (c)(3)(A), a meeting was held on May 2, 2003 (date) at \_\_\_\_\_ (time) (check one) (x) by telephone (or) ( ) at \_\_\_\_\_ (place) and was attended by:

Name	Counsel for (if applicable)
<b>Leonard H. Klatt</b>	<b>Plaintiff</b>
<b>Jona J. Miller</b>	<b>Defendant</b>

2. Pre Discovery Initial Disclosures of Core Information:

a. Fed. R. Civ. P.26 (a)(1) Initial Disclosures (*Fed. R. Civ. P. 26(a)(1) provides that these disclosures are mandatory*).

The parties (check one)

\_\_\_\_\_ have exchanged  
 X  will exchange by **June 6, 2003** (date)

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\_\_\_\_\_ object to the exchange of initial disclosures (If one or more parties objects to initial disclosures identify the objecting party and state the reason(s) for the objection below).

information described in Fed. R. Civ. P. 26(a)(1).

3. Discovery Plan - Plaintiff: The parties jointly propose the following Plaintiff's discovery plan:

a. Plaintiff's Planned Discovery: A description of every discovery effort Plaintiff plans to pursue is described below. The description of each discovery effort will be listed under the appropriate heading below and will include the subject matter of the discovery and the time during which the discovery will be pursued:

(1) Requests for Admission:

**Plaintiff plans to serve requests for admissions.**

Number of Requests for Admission: parties may seek to limit the number of Plaintiff's requests for admission in accordance with Fed. R. Civ. P. 26(b)(2). Any such request must be presented by motion. See paragraph 6 below.

(2) Written Interrogatories:

**Plaintiff plans to serve written interrogatories.**

Number of Interrogatories: Local Rule 3.03(a) provides "[u]nless otherwise permitted by the Court for cause shown, no party shall serve upon any other party, at one time or cumulatively, more than twenty-five (25) written interrogatories pursuant to Rule 33, Fed. R. Civ. P., including all parts and subparts." Any request by Plaintiff to exceed this limit must be presented by motion. See paragraph 6 below.

(3) Request for Production or Inspection:

**Plaintiff plans to serve requests for production.**

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(4) Oral Depositions:

**Plaintiff intends to take oral depositions.**

Number of Depositions: Local Rule 3.02(b) provides, “[i]n accordance with Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A), no more than ten depositions per side may be taken in any case unless otherwise ordered by the Court.” Any request by Plaintiff to exceed this limit must be presented by motion. See paragraph 6 below.

Time Permitted for Each Deposition: Each deposition is limited to one day of seven hours in accordance with Fed. R. Civ. P. 30(d) unless extended by agreement of the parties or order of Court.

b. Disclosure of Expert Testimony: Parties stipulate, in accordance with Fed. R. Civ. P. 26(a)(2)(C), that Plaintiff’s Fed. R. Civ. P. 26(a)(2) disclosure will be due as noted here:

**Sixty days prior to the close of discovery.**

c. Supplementation of Disclosures and Responses: Parties agree that Plaintiff’s supplementation under Fed. R. Civ. P. 26(e) will be provided at the following times:

**As soon as known, but no later than thirty-five days prior to the close of discovery.**

d. Completion of Discovery: Plaintiff will commence all discovery in time for it to be completed on or before **November 18, 2003** (date).

4. Discovery Plan - Defendant: The parties jointly propose the following Defendant’s discovery plan:

a. Defendant’s Planned Discovery: A description of every discovery effort Defendant plans to pursue is described below. The description of each discovery effort will be listed under the appropriate heading below and will include the subject matter of the discovery and the time during which the discovery will be pursued:

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(1) Requests for Admission:

**Defendant may serve requests for admissions.**

Number of Requests for Admission: Parties may seek to limit the number of Defendant's requests for admission in accordance with Fed. R. Civ. P. 26(b)(2). Any such request must be presented by motion. See paragraph 6 below.

(2) Written Interrogatories:

**Defendant will serve written interrogatories.**

Number of Interrogatories: Local Rule 3.03(a) provides "[u]nless otherwise permitted by the Court for cause shown, no party shall serve upon any other party, at one time or cumulatively, more than twenty-five (25) written interrogatories pursuant to Rule 33, Fed. R. Civ. P., including all parts and subparts." Any request by Defendant to exceed this limit must be presented by motion. See paragraph 6 below.

(3) Requests for Production or Inspection:

**Defendant will serve requests for production.**

(4) Oral Depositions:

**Defendant will take Plaintiff's deposition, and the depositions of any experts whom Plaintiff identifies. Defendant will take other depositions as needed.**

Number of Depositions: Local Rule 3.02(b) provides, "[i]n accordance with Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A), no more than ten depositions per side may be taken in any case unless otherwise ordered by the Court." Any request by Defendant to exceed this limit must be presented by motion. See paragraph 6 below.

Time Permitted for Each Deposition: Each deposition is limited to one day of seven hours in accordance with Fed. R. Civ. P. 30(d) unless extended by agreement of the parties or order of Court.

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b. Disclosure of Expert Testimony: parties stipulate, in accordance with Fed. R. Civ. P. 26(a)(2)(C), that Defendant's Fed. R. Civ. 26(a)(2) disclosure will be due as noted here:

**Forty-five days prior to the close of discovery.**

c. Supplementation of Disclosures and Responses: Parties agree that Defendant's supplementation under Fed. R. Civ. P. 26(e) will be provided at the following times:

**As soon as known, but no later than thirty-five days prior to the close of discovery.**

d. Completion of Discovery: Defendant will commence all discovery in time for it to be completed on or before **November 18, 2003** (date).

5. Joint Discovery Plan - Other Matters: Parties agree on the following other matters relating to discovery (*e.g.*, handling of confidential information, assertion of privileges, whether discovery should be conducted in phase or be limited to or focused upon particular issues):

**Personnel files, related personnel information, and proprietary information will remain confidential, and will be disclosed only for purposes of this litigation.**

**The parties will submit a consent protective order preserving confidentiality. This agreement does not affect the admissibility of any evidence.**

6. Disagreement or Unresolved Issues Concerning Discovery Matters: Any disagreement or unresolved issue concerning discovery matters must be made the subject of a separate motion to be filed not later than eleven days after the filing of the Case Management Report. Such disagreement or unresolved issue will not excuse the establishment of discovery completion dates. Pursuant to Fed. R. Civ. P. 26(a)(1), as amended, December 1, 2000, any objection as to the appropriateness of required Initial Disclosures shall be recorded in the case management report.

7. Third Party Claims, Joinder of Parties, Potentially Dispositive Motions: Parties agree that the final date for filing motions for leave to file third party claims, motions to join parties, motions for summary judgment, and all other potentially dispositive motions should be **Thirty days after the close of discovery**. (Note time limit in Local Rule 4.03.)

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8. Settlement and Alternative Dispute Resolution:

Parties agree that settlement is

likely (check one)

unlikely

**unknown at this time**

Parties agree to consent to binding arbitration pursuant to Local Rules 8.02(a)(3) and 8.05(b).

yes  no  likely to agree in future

Parties agree to participate in court annexed mediation as detailed in Chapter Nine of the Court's Local Rules.

yes  no  likely to agree in future

If yes, the order of referral described in Local Rule 9.04 should be entered by the court on \_\_\_\_\_ (date) designating \_\_\_\_\_ (name) to serve as mediator.

Parties agree to consent to trial presided over by the United States Magistrate Judge.

yes  no  likely to agree in future

Parties intend to pursue the following other methods of alternative dispute resolution:

**The parties may agree to participate in voluntary mediation.**

In accordance with Local Rule 3.05(c)(2)(C)(v), parties agree that if they do not report to the Court that the case has settled on or before N/A (date), parties will apply for an order invoking the Court annexed arbitration (Chapter Eight of Local Rules) or Court annexed mediation (Chapter Nine of Local Rules) on that date.

9. Preliminary Pretrial Conference:

Track Three Cases: Local Rule 3.05(c)(3)(B) provides that preliminary pretrial conferences are mandatory in Track Three Cases.

Track Two Cases: Parties

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\_\_\_ request (check one)

X do not request

a preliminary pretrial conference before entry of a Case Management and Scheduling Order in this Track Two case. Unresolved issues to be addressed at such a conference include:

10. Final Pretrial Conference and Trial: Parties agree that they will be ready for a final pretrial conference on or after April 26, 2004 (date) and for trial on or after May 3, 2004. (date). Trial is expected to take approximately 3-5 days and trial will be:

X jury

\_\_\_ non-jury.


11. Pretrial Disclosures and Final Pretrial Procedures: Parties acknowledge that they are aware of and will comply with pretrial disclosures requirements in Fed. R. Civ. P. 26(a)(3) and final pretrial procedures requirements in Local Rule 3.06.

12. Other Matters:

N/A

Date: 5/7/03

Signature of Counsel (with information required by Local Rule 1.05(d)) and Signature of Unrepresented Parties

  
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