

FILED

UNITED STATES DISTRICT COURT OF
THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

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ANTHONY N. THACKER,

CASE NO.: 99-320-Civ-OC-10A

Plaintiff,

vs.

SUMTER ELECTRIC COOPERATIVE, INC.,

Defendant.

_____ /

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 December 22, 1999 at 1:00 p.m. via telephone and was attended by:

Jona J. Miller, Esq. - Defendant's Attorney

Pamela Bounds Olsen, Esq.- Plaintiff's Attorney

2. Pre Discovery Initial Disclosures of Core Information:

a. Fed.R.Civ.P. 26(a)(1)(C)&(D) Disclosures (Local Rule 3.05(d) provides that these disclosures are mandatory in Track Two Cases and optional in other cases unless otherwise ordered by the Court. Complete the following in all Track Two Cases and, when applicable, in Track Three Cases):

The parties

_____ have exchanged
X _____ agree to exchange

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

_____ on
_____ by January 28, 2000.

Below is a detailed description of information disclosed or scheduled for disclosure.

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Disclosure Information Continued:

Plaintiff will provide damages summary as required by Rule.

Defendant will disclosure existence of applicable insurance, if any.

b. Fed.R.Civ.P. 26(a)(1)(A)&(B) Disclosures (Local Rule 3.05(d) provides that these disclosures are not mandatory except as stipulated by the parties or otherwise ordered by the Court. Complete the following when applicable):

The parties elect to opt out of the disclosure requirements provided by Rule 26(a)(1)(A)&(B). Accordingly, this provision of the Case Management Report is inapplicable.

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.

(1) Requests for Admission:

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.

The Plaintiff may serve requests for admissions. Extensive use of requests for admissions is not planned at the present time.

(2) 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.

The Plaintiff may serve written interrogatories.

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(3) Requests for Production or Inspection:

The Plaintiff may serve requests for production of documents.

(4) 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.

The Plaintiff may take oral depositions. No need to take more than 10 depositions is anticipated at the present time. The parties do not agree to any limits on the time permitted for the taking of oral depositions.

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 on October 20, 2000.

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 time: December 15, 2000.

d. Completion of Discovery: Plaintiff will commence all discovery in time for it to be completed on or before March 1, 2001.

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

a. Defendants'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.

(1) Requests for Admission:

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.

The Defendant may serve requests for admissions. Extensive use of requests for admissions is not planned at the present time.

(2) 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.

The Defendant will serve interrogatories. Defendant has no present intention of serving more than 25 interrogatories.

(3) Requests for Production or Inspection:

The Defendant will serve requests for production of documents.

(4) 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 Defendant to exceed this limit must be presented by motion. See paragraph 6 below.

The Defendant will take the deposition of the Plaintiff. No need to take more than 10 depositions is anticipated at the present time. The parties do not agree to any limits on the time permitted for the taking of oral depositions.

b. Disclosure of Expert Testimony: Parties stipulate, in accordance with Fed.R.Civ.P. 26(a)(2)(C), that Defendant's Fed.R.Civ.P. 26(a)(2) disclosure will be due on November 17, 2000.

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 time: January 15, 2001.

d. Completion of Discovery: Defendant will commence all discovery in time for it to be completed on or before March 1, 2001.

5. Joint Discovery Plan - Other Matters: Parties agree on the following other

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matters relating to discovery (e.g., handling of confidential information, assertion of privileges, whether discovery should be conducted in phases or be limited to or focused upon particular issues):

Defendant Sumter Electric Cooperative, Inc. may request issuance of a Protective Order in the event confidential corporate documents are produced for the Plaintiff's inspection and copying. The parties anticipate that they would be able to agree on a Stipulated Protective Order in that event.

6. Disagreements 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.

There are no discovery disputes at the present time.

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 as follows:

The parties do not anticipate any motions seeking leave to file third party claims, or motions to join parties, but to the extent such motions may be filed, they will be filed in accordance with the requirements of Rule 4.03. Any motion for summary judgment, or partial summary judgment, should be filed no later than May 1, 2001.

8. Settlement and Alternative Dispute Resolution. Parties agree that settlement is

_____ likely, (check one)
_____ unlikely, or
 X unknown at present.

Parties do not agree to consent to binding arbitration pursuant to Local Rules 8.02(a)(3) and 3.05(b), nor are they likely to agree to such in the future.

Parties may or may not agree to participate in mediation. No mediator has been selected.

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 August 31, 2000, they will either report to the Court concerning prospective settlement, or apply for an order invoking mediation.

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9. Preliminary Pretrial Conference: The parties do not request a Preliminary Pretrial Conference.


10. Final Pretrial Conference and Trial: Parties agree that they will be ready for a final pretrial conference on or after March 1, 2002 and for trial on or after April 1, 2002. Trial is expected to take approximately 24 hours, or three (3) days.

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: none.

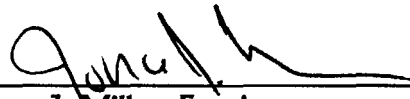
Respectfully submitted,

Respectfully submitted,



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