

Prior to the Conference, counsel shall:

1. Become familiar with the provisions of the Local Rules relating to differentiated case management generally and the case management conference in particular.
2. Meet and confer not later than **ten (10) days** before the case management conference to discuss the nature and basis of their claims and defenses; the possibilities for a prompt resolution or settlement of the case; and to develop a proposed discovery plan. Except in extraordinary cases, the parties' proposed discovery plan must contemplate the completion of discovery no later than **one hundred and eighty (180) days** after the filing or removal of the initial complaint.
3. File, not later than **seven (7) days** before the case management conference, a joint statement or separate statements stating the parties' present position with regard to each of the agenda items specified in Local 16.3(b) and informing the court of other items for the agenda of the case management conference. (See Attachment A)

At the Conference:

1. Lead trial counsel shall attend.
2. The parties (or, in the case of institutional or corporate parties, a representative familiar with the facts giving rise to this litigation) shall either attend or be available by telephone.
3. In addition to reviewing the items discussed in the parties' pre-conference statement(s), the Court may undertake to determine whether there are any presently known facts

supporting a claim or defense; if not, such claim or defense may be dismissed with or without prejudice.

4. Counsel must be prepared to discuss venue, personal jurisdiction, subject matter jurisdiction, the statute of limitations, all affirmative defenses and any potentially dispositive legal issues.

Motion Practice Prior to the Case Management Conference:

1. Motions to continue the case management conference are not favored and will not be granted except in extraordinary circumstances.
2. Any motion relating to the case management conference or matters to be addressed there are to be filed promptly, and in any event not later than five (5) court days before the conference.
3. Motions are to be in writing and shall indicate whether they are agreed motions.
4. Initial extensions to respond to a complaint or counterclaim for a period not to exceed twenty (20) days may be by agreement and confirmed by the filing of a Notice of Stipulation with the Court. All Notices of Stipulation must be filed on or before the response date for which an extension of time is sought.

s/ Kathleen M. O'Malley

**KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE**