

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s),  
\_\_\_\_\_  
-v-  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s).  
----- X

\_\_\_\_\_ Civ. \_\_\_\_\_ (KBF)  
SCHEDULING ORDER

KATHERINE B. FORREST, District Judge:

The parties propose the following schedule for this matter:

1. All parties [**do** / **do not** ] consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.<sup>1</sup>
2. Amended pleadings may not be filed, and no party may be joined, without leave of Court more than 20 days after the filing of this Order or the filing of a responsive pleading, whichever occurs first.
3. Close of fact discovery: \_\_\_\_\_. [**within 4 months unless the case is particularly complex**]
4. Close of expert discovery: \_\_\_\_\_. [**25 days after the close of fact discovery; the parties are to negotiate interim dates regarding expert witnesses**]

The parties contemplate experts in this matter for the following subject(s):

\_\_\_\_\_.

5. [**For F.L.S.A. actions only**] Plaintiff(s) [**do** / **do not** ] anticipate making a motion for conditional certification of a collective action under 29 U.S.C. § 216(b). Plaintiff(s) shall include a proposed notice with the opening brief.

<sup>1</sup> If all parties so consent, they should execute a consent form (available at <http://www.nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge>) and submit it to the Court via e-mail, along with this proposed order.

Section 216(b) proposed briefing schedule:

Opening: \_\_\_\_\_ [30 days after initial conference]  
Opp'n: \_\_\_\_\_ [21 days after opening brief]  
Reply: \_\_\_\_\_ [7 days after opposition brief]

6. The parties [**do** / **do not** ] anticipate making dispositive motions.  
The contemplated dispositive motion(s) is/are a motion(s)

\_\_\_\_\_.

Proposed briefing schedule:

Opening: \_\_\_\_\_ [no later than item 3]  
Opp'n: \_\_\_\_\_ [21 days after opening brief]  
Reply: \_\_\_\_\_ [7 days after opposition brief]  
*Last dates to file; motions may be brought at any time.*

7. Trial [**will** / **will not** ] be before a jury.<sup>2</sup>

**DO NOT FILL IN BELOW. THE COURT WILL SET ITEMS 7-10.**

8. The next status conference is set for \_\_\_\_\_ at \_\_\_\_\_.

9. Pretrial materials, including the Joint Pretrial Order ("JPTO"), are due:

\_\_\_\_\_.

10. The Final Pretrial Conference ("FPTC") is set for \_\_\_\_\_ at \_\_\_\_\_.

Motions in limine are due two weeks before FPTC; oppositions are due one week later. Daubert motions are due four weeks before FPTC; oppositions are due two weeks later. (No replies.)<sup>3</sup>

11. Trial in this matter shall commence on \_\_\_\_\_. Trial is anticipated to take \_\_\_\_\_ [days / weeks].

**Settlement discussions must occur in parallel to this schedule (schedule will not be adjourned, except in very unusual situations, for settlement discussions).**

SO ORDERED.

Dated: New York, New York  
\_\_\_\_\_, 2018

\_\_\_\_\_  
KATHERINE B. FORREST  
United States District Judge

<sup>2</sup> Checking this box does not constitute a formal jury demand under Fed. R. Civ. P. 38(b). It serves a purely administrative function.

<sup>3</sup> Deadlines for motions in limine and Daubert motions are generalized and subject to change. The parties may request modified schedule if desired.