

plan specified in the parties' scheduling and planning report, except as otherwise provided below.

A. Timing, Form, and Disclosure Requirements. The requirements of Rule 26(f)(3)(A) shall apply to this case. No changes have been requested by the parties. Each party must contemporaneously prepare and maintain a written record of all disclosures and supplementation of disclosures or responses made to requests for discovery under Rule 26(a) and (e), Federal Rules of Civil Procedure. Unless required in support of a motion or by order of the court, disclosures and supplemental disclosures are not to be filed with the court.

B. Initial Disclosures / Preliminary Witness Lists.

1. The information required by Rule 26(a)(1), Federal Rules of Civil Procedure:

(a) ___ has been exchanged by the parties.

(b) shall be exchanged by the parties on or before
February 18, 2020.

2. Preliminary witness lists:

(a) ___ have been exchanged by the parties.

(b) shall be exchanged by the parties on or before
March 23, 2020.

3. With reference to the disclosure requirements of Rule 7.1, Federal Rules of Civil Procedure:

(a) ___ The parties are in compliance.

(b) ___ Compliance shall be accomplished on or before _____.

(c) Rule 7.1 is not applicable.

C. Subjects and Timing of Discovery.

1. The parties ___ *have* / ***have not*** reported the subjects on which discovery may be needed. Each of plaintiff and defendant will please supply a list of discovery subjects within **7 days**.
2. Discovery shall not be conducted in phases or limited to or focused on particular issues.
3. The parties have not shown cause for a discovery close date beyond **12 months** from their report.
4. Final Discovery Witness List. A final discovery witness list, disclosing all lay witnesses whom a party may wish to call at trial either by live testimony or deposition, shall be served and filed not later than **45 days** before the close of fact discovery. Each party shall make a good faith attempt to list only those lay witnesses who the party reasonably believes will testify at trial. Unless otherwise ordered for good cause shown, only those lay witnesses disclosed in this final discovery witness list, and the expert witnesses who were timely identified, will be permitted to testify at trial.
5. Close of Fact Discovery. Fact discovery shall be completed on or before **December 16, 2020**.

6. Expert Discovery. Pursuant to Rule 26(a)(2), Federal Rules of Civil Procedure:
- (a) Expert witnesses shall be identified by each party on or before **N/A**, and each party may identify responsive supplemental expert witnesses within **14 days** thereafter.
 - (b) Expert disclosures (reports) required by Rule 26(a)(2) shall be disclosed:
 - (i) By all parties on or before _____; **OR** by plaintiff on or before **September 15, 2020**, and by defendant on or before **October 15, 2020**;
 - (ii) Rebuttal reports on or before **30 days** from service of the report being rebutted.
 - (c) Expert witness discovery (including depositions) shall be completed by **December 16, 2020**.

D. Preservation of Discovery, Including Electronically Stored Information (ESI).

- 1. No issues have been reported as regards disclosure, discovery, or preservation of ESI, including the form or format in which it should be produced.
- 2. The parties shall proceed as they have proposed with respect to the production of ESI.
- 3. Preservation of non-ESI Discovery:
 - (a) There is no indication that this will be an issue.

(b) ___ The parties may proceed as they have proposed.

E. Claims of Privilege or Protection of Attorney Work Product. Claims of privilege or protection of trial preparation materials shall be handled as follows:

1. ___ There is no indication that this will be an issue.
2. ___ The parties have entered into a confidentiality agreement.
3. The parties shall submit their proposed confidentiality agreement on or before **March 16, 2020**.

F. Limitations on Discovery. The following limitations on discovery are imposed:

1. The limitations set forth in Federal Rules of Civil Procedure 26(b), 30, and 33 and in Local Civil Rules 30.1 and 36.1 apply, except as indicated below.
2. ___ The maximum number of depositions by each party shall not exceed ____.²
 - (a) ___ Depositions shall not exceed ___ hours as to any deponent.
 - (b) ___ Depositions shall not exceed ___ hours as to non-party deponents.

²Unless otherwise specified, the court will consider corporate officer, Rule 30(b)(6) witness, and expert witness depositions to be subject to the time limitation applicable to party depositions.

(c) ___ Depositions shall not exceed ___ hours as to party deponents.

3. ___ The maximum number of interrogatories posed by each party shall not exceed ___.

4. ___ The maximum number of requests for admissions posed by each party shall not exceed ___.

5. ___ Other limitations: _____.

G. Supplementation of Disclosures and Discovery Responses shall be supplemented:

1. In accordance with Rule 26(e)(1) and (e)(2), Federal Rules of Civil Procedure

2. ___ At intervals of _____ days.

III. Pretrial Motions.

A. Preliminary motions as to jurisdiction, venue, arbitration, and/or statutes of limitation shall be served and filed not later than:

1. Not applicable.

2. ___ [Date]

B. Motions to amend, motions under the discovery rules, motions in limine, and dispositive motions shall be served and filed within the times specified by the applicable rules, except as indicated below:

1. Motions to amend pleadings, including motions to add parties, shall be served and filed not later than **February 28, 2020**. Thereafter, a party must seek leave of court to modify this deadline. See

Rule 16(b)(3)(A) and (b)(4), Federal Rules of Civil Procedure.

2. Discovery disputes (including ESI) shall be presented to the court as soon as discovery problems are identified, but not later than **14 days** after the close of discovery. If the meet-and-confer process (see Rule 37(a)(1)) fails to resolve disagreements regarding mandatory initial discovery or discovery requests, the parties shall present that dispute to the court in a single, joint motion, stating the issue, any applicable rules, and each party's proposed disposition of the dispute. The joint motion must contain the Rule 37(a)(1) certification. The court may resolve the dispute based upon the parties' presentations or after a conference call. At a conference, the court may authorize the filing of a discovery motion.
3. Dispositive motions shall be served and filed not later than **30 days** after the close of all discovery.
4. Motions in limine, including motions as to qualification of experts and Daubert motions, shall be served and filed not later than **30 days** following the later of the date for the filing of dispositive motions or the date of the court's ruling on timely dispositive motions.

IV. Trial.

- A. The court expects the case to take **5 days** for trial.
- B. A jury trial ___ has / **has not** been demanded.
- C. The right to jury trial ___ is / ___ is not disputed.
- D. Scheduling Trial.

1. ___ The parties' request for an early trial date:

(a) ___ Is approved.

(b) ___ Is not approved.

If approved, a separate trial scheduling order will be issued.

2. ___ Either party may request a trial setting conference at any time to establish a trial date. Absent a request, and when timely filed dispositive motions have been ruled upon, the court will call upon the parties to certify the case ready for trial and to provide the court with proposed trial dates. The court will issue an order governing final preparation for trial and scheduling a final pretrial conference after the case has been certified ready for trial.

3. The parties ___ have / **have not** requested an early trial date.

V. Other Provisions.

- A. Court Conference. The parties have requested a conference with the court before entry of a scheduling order, but their report discloses no

reason why a conference is necessary as a predicate to this scheduling order. Pretrial conferences will be scheduled as needed.

- B. Consent to Proceed before a Magistrate Judge. The parties have not consented to trial before a Magistrate Judge.
- C. Early Settlement / Alternative Dispute Resolution. The parties have considered and reported to the court regarding possible alternative dispute resolution procedures.
- D. Related Cases. The parties have reported to the court regarding any related cases as defined by Local Civil Rule 16.1(e).

DATED at Anchorage, Alaska, this 27th day of December, 2019.

/s/ H. Russel Holland
United States District Judge