

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/8/10

H. THOMAS MORAN, II, *et al.*,

Plaintiffs,

-v-

MORTON GOLDFARB, *et al.*,

Defendants.

No. 09 Civ. 7667 (RJS)  
~~PROPOSED~~ CASE  
MANAGEMENT PLAN AND  
SCHEDULING ORDER

RICHARD J. SULLIVAN, District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order.

1. All parties do not consent to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is ~~to~~ to be tried to a jury.
3. No additional parties may be joined except with leave of the Court.
4. *Judge Lynch's 4/14/09 Order shall remain in effect. All other amended pleadings shall be filed by Aug. 2, 2010.*  
~~Amended pleadings may not be filed except with leave of the Court.~~
5. Initial disclosures pursuant to Rule 26(a)(1) shall be completed no later than ~~July~~ *4 Aug.* 4 Aug., 2010.
6. All *fact* discovery is to be completed no later than March 31, 2011.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 6 above.
  - a. Initial requests for production of documents shall be served by August 31, 2010.
  - b. Initial interrogatories shall be served by August 31, 2010.

- c. Depositions shall be completed by March 15, 2011.
    - i. Absent an agreement between the parties or an order from the Court, depositions are not to be held until all parties have responded to initial requests for document production.
    - ii. There is no priority in deposition by reason of a party's status as a plaintiff or a defendant.
    - iii. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
  - d. Requests to Admit shall be served no later than December 31, 2010.
8. All expert disclosures, including reports, production of underlying documents, and depositions shall be completed pursuant to the following deadlines:
- a. Expert(s) of Plaintiff(s) June 30, 2011.
  - b. Expert(s) of Defendant(s) June 30, 2011.
9. All discovery shall be completed no later than June 30, 2011.
10. The Court will conduct a post-discovery conference on July 20, 2011 at 9:30 a.m.
11. If either party contemplates a motion, the post-discovery conference will function as a pre-motion conference. Pre-motion letters are to be submitted by July 5, 2011. Pursuant to Rule 2.A of the Court's Individual Practices, responses to pre-motion letters are to be submitted within three business days from the date of service of the initial promotion letter. Pre-motion letters and responses shall be submitted to the chambers' email address at sullivanysdchambers@nysd.uscourts.gov.
12. If neither party contemplates a dispositive motion, the post-discovery conference will function as a pre-trial conference at which a trial date will be set.
13. Counsel for the parties request a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request:
- a. \_\_\_\_\_ Referral to a Magistrate Judge for settlement discussions
  - b.   X   Referral to the Southern District's Mediation Program

The parties are to contact the mediation program by  
Sept. 30, 2010.

14. Parties have conferred and their present best estimate of the length of trial is two weeks.

SO ORDERED.

DATED: July 7, 2010  
New York, New York

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE