

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
Choose an item. DIVISION

In the Matter of _____
Debtor(s)

Case No.: _____
Chapter Choose an item.

_____,
Plaintiff(s)

vs.

Adversary Proc. No.: _____

_____,
Defendant(s)

Report of the Parties' Planning Meeting

Directions:

- (1) The parties are to meet and complete the report below.
- (2) It is permissible to write, "not applicable."
- (3) The parties may modify the form, so long as they address the 22 points in bold.
- (4) If there is a case in another jurisdiction, and the outcome of that case could affect this case, complete sections 1-4 only.

1. **Meeting.** The parties conferred via (select one: telephone, in person, electronic mail) under Fed. R. Civ. P. Rule 26(f) and agreed to this report.
_____ participated for the Plaintiff, and
_____ participated for the Defendant.

2. **Jurisdiction.** The Court has jurisdiction pursuant to: _____.

3. **Core Proceeding vs. Noncore Proceeding.** Check all that apply.

- Plaintiff states this is a core proceeding.
- Defendant states this is a core proceeding.
- Plaintiff states this is a noncore proceeding.
- Plaintiff consents to this Court entering a final order in the proceeding.
- Plaintiff does not consent to this Court entering a final order in the proceeding.
- Defendant states this is a noncore proceeding.
- Defendant consents to the bankruptcy court entering a final

order in the proceeding.

___ Defendant does not consent to the bankruptcy court entering a final order in the proceeding.

4. **Pending Case in a Different Court.** Check all that apply.

Is there a case in another jurisdiction, and the outcome of that case could affect issues or rulings in this case?

___ No.

___ Yes. The case is: _____,

and the case number is: _____. **If the response above is “No,” skip to question twenty-two (22) .** Counsel must sign the form. The Court will address these issues at a status conference.

5. **Pre-Discovery Disclosures.** The parties will exchange, but may not file, Rule 26(a)(1) information by:

6. **Scope of Discovery.** Discovery will be needed on the following subjects:

(1) _____

(2) _____

7. **Discovery Deadline.** The last date to complete all discovery is: (the “Discovery Deadline”).

8. **Electronically Store Information.** The parties propose the following guidelines and limitations regarding the discovery of electronically stored information (“ESI”): _____

9. **Disclosure of ESI.** Disclosure or production of ESI will be limited to data that is reasonably available/accessible to the parties in the ordinary course of business.

10. **Scope and Format of ESI.** The scope of discovery or the format of the production of ESI may be further limited or modified by court order upon a showing of good cause or undue burden and expense. Further, depending upon the nature of the data produced, a protective order may be appropriate, as the Court may approve.

11. **Inadvertent Production.** Under Rule 26(b)(5)(B), the inadvertent production of any privileged or otherwise protected ESI or documents will not be deemed a waiver or impairment of any claim of privilege or protection including but not limited to the attorney-client privilege or work product doctrine immunity, provided that the producing party promptly notifies the receiving party of the inadvertent production.

Upon notification, the receiving party will retrieve and return any such material within a reasonable time, and the receiving party's counsel will not use such information for any purpose until further order of the Court. Any analyses, memoranda or notes which were generated based upon such inadvertently produced information will immediately be treated in conformance with the protected nature of the information.

The producing party must also preserve the information until any dispute regarding the ESI or documents is resolved. The Parties may agree to further limit or modify the scope of the discovery and the form ESI.

12. **Interrogatories.** Without leave of the Court, a maximum of _____ interrogatories by each party to any other party, not including all discrete subparts.
13. **Requests for Admissions.** Without leave of the Court, a maximum of thirty (30) requests for admissions by each party to any other party. *See generally* N.D. Ind. L.B.R. B-7026-1(b). Requests relating to the authenticity or genuineness of documents are not subject to this limitation.
14. **Form of Interrogatories, Requests for Production, and Requests for Admission.** In Accordance with N.D. Ind. L.B.R. B-7026-1(a), “[t]he party propounding written interrogatories, requests for production of documents or things, or requests for admission, shall number each such interrogatory or request sequentially. The party answering, responding, or objecting to such interrogatories or requests shall quote each such interrogatory or request in full immediately preceding the statement of any answer, response or objection thereto, and shall number each such response to correspond with the number assigned to the request.”
15. **Depositions.** Without leave of the Court, each party is limited to a maximum of _____ depositions. This limitation on the number of depositions does not apply to depositions of expert witnesses or depositions to preserve the testimony of a witness that will not be available to testify at trial.
16. **Informal Conference to Settle Discovery Disputes.** The Parties shall attempt to resolve discovery disputes informally and without court intervention. N.D. Ind. L.B.R. B-7037-1. Motions related to discovery must be “accompanied by the certification required to be made under Rules 26(c)(1), 37(a)(1), and 37(d)(1)(B) of the Federal Rules of Civil Procedure.” *Id.*

17. **Expert Reports.** The filing of reports from retained experts under Rule 26(a)(2) are due:

- (1) From Plaintiff by: _____ and _____
- (2) From Defendant by: _____ .

18. **Objection to Expert Witnesses.** Any evidentiary objections to another party's expert witness, whether directed to the witness' qualifications or to the foundation for the anticipated testimony, must be filed by: _____ .

Failure to file such objections is a waiver of any objection to opinion testimony outlined in the statement filed by the witness' proponent.

19. **Rule 26(e) Discovery Supplementation.** Supplementation under Rule 26(e) is due as information becomes available but no later than the Discovery Deadline. In the event a party learns of new or different information after the Discovery Deadline, the party still has an ongoing duty to supplement the party's discovery response(s).

20. **Amended Pleadings.** The last date for the parties to amend the pleadings without leave of the Court is: _____

21. **Dispositive Motion Deadline.** The last date for the filing of all potentially dispositive motions is: _____

The timing of filing pretrial disclosures under Fed. R. Civ. P. 26(a)(3) will be governed by separate order.

22. **Mediation.** The Parties have selected _____ as the mediator. The parties shall mediate by: _____ .

Unless otherwise agreed upon, the Parties must have someone with settlement authority attending the mediation. If the Parties are not willing to mediate, they must state why mediation will not be fruitful.

Respectfully submitted,

Attorney for Plaintiff

Attorney for Defendant