

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2013 MAY 29 AM 9 59

IN THE UNITED STATES DISTRICT COURT
STEPHAN HARRIS, CLERK
CHEYENNE
FOR THE DISTRICT OF WYOMING

Administrative General Order 2013-02

**GENERAL ORDER SETTING
REQUIREMENTS FOR INITIAL
PRETRIAL CONFERENCES FOR
CASES BEFORE THE HONORABLE
NANCY D. FREUDENTHAL**

In an effort to better utilize the Initial Pretrial Conference, the Honorable Nancy D. Freudenthal has implemented the following requirements for all Initial Pretrial Conferences set on or after July 1, 2013:

1. Case Management Report

The parties are directed to meet and confer at least 10 days before the Initial Pretrial Conference as required by Federal Rule of Civil Procedure 26(f). At this meeting the parties shall develop a Joint Case Management Report, containing the items listed below. Please address the items in the order in which they are listed. Parties should skip those items that are not applicable to their case.

1. The names of counsel who attended the Rule 26(f) meeting and assisted in developing the Case Management Statement;

2. A list of the parties in the case, including any parent corporations or entities (for recusal purposes);

3. A short statement of the nature of the case (2 pages or less), including a description of the claims and defenses;

4. A statement describing the basis for jurisdiction and citing specific jurisdictional statutes. If jurisdiction is based on diversity of citizenship, the report shall include a statement of the citizenship of every party and a description of the amount in dispute. The parties are reminded that (1) a corporation is a citizen of the state where it is incorporated and the state of its principal place of business, and (2) partnerships and limited liability companies are citizens of every state in which one of their partners or members resides;

5. A list of any parties who have not been served, and an explanation of why they have not been served. Also a list of any parties who have been served, but have not answered or otherwise appeared;

6. A statement of whether any party expects to add additional parties to the case or otherwise amend pleadings (the Court will set a deadline to join parties or amend pleadings at the conference);

7. Whether there are dispositive or partially dispositive issues appropriate for decision by motion or by agreement;

8. The nature and type of discovery each party intends to pursue and, whether discovery is an issue and whether the discovery should be limited in any manner;

9. The status of related cases pending before other courts or other judges of this Court;

10. Proposed specific dates for each of the following, keeping in mind that trial should occur within nine (9) months from the date of the Initial Pretrial Conference, unless there are unusual or unique circumstances. Parties should be prepared to address any issues that require additional time at the Initial Pretrial Conference.

- a. Dates for full and complete expert disclosures under Federal Rule of Civil Procedure 26(a)(2)(A)-(C);
- b. A deadline for the completion of fact discovery;
- c. A deadline for filing dispositive motions;
- d. A date for a dispositive motion hearing (the parties may choose not to have a hearing);
- e. A date for the final pretrial conference; and
- f. A date for trial.

11. The estimated length of trial and any suggestions for shortening the trial;

12. The prospects for settlement, including any request of the Court for assistance in settlement efforts; and

13. Any other matters that will aid the Court and parties in resolving this case in a just, speedy, and inexpensive manner.

The parties shall electronically file the Joint Case Management Report no less than seven (7) days before the Initial Pretrial Conference and shall also provide an electronic

version in word or word perfect to Judge Freudenthal's chambers at wyojudgeNDF@wyd.uscourts.gov. For the parties' convenience, the Court has attached a form Case Management Report (Attachment A) to this Order. The form is also available in word and word perfect format on the District Court's website under forms, then under Judge Freudenthal's forms. It is Plaintiff(s) responsibility to initiate the Rule 26(f) meeting and preparation of the Joint Case Management Report. Defendant(s) shall promptly and cooperatively participate in the Rule 26(f) meeting and shall assist in preparation of the Joint Case Management Report.

2. Initial Pretrial Conference

Counsel who will be responsible for the trial for each party, shall appear either in person or by phone and participate in the Initial Pretrial Conference. Counsel shall have authority to enter into stipulations regarding all matters that may be discussed. At the Initial Pretrial Conference, the Court and the parties will:

1. Identify the principal factual and legal issues in dispute;
2. Identify whether the case is suitable for reference to a magistrate judge for early neutral evaluation, settlement conference, or trial;
3. Review the parties' compliance with their disclosure obligations and consider whether to order additional disclosures;

4. Determine whether early filing of any motions might significantly affect the scope of discovery or other aspects of the litigation, and provide for the staged resolution, or bifurcation of issues for trial consistent with Fed. R. Civ. P. 42(b);

5. Set deadlines for completion of expert disclosure, discovery, filing dispositive motions and dates for the dispositive motion hearing (if any), final pretrial conference and trial;

6. Discuss the anticipated length of trial and any suggestions for shortening the trial;

7. Discuss whether it would be productive to have a short status conference prior to the filing of dispositive motions;

8. Discuss the settlement possibilities of the case, including any requests for Court assistance in settlement efforts; and

9. Discuss other matters as any party considers conducive to the just, speedy and inexpensive resolution of this matter.

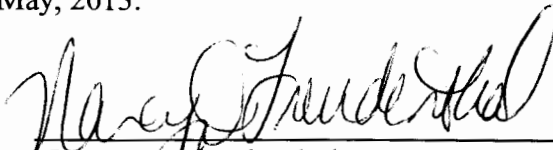
3. Special Procedures for Non-Prisoner Pro Se Cases

The Court will not set an Initial Pretrial Conference, and does not require a Case Management Report, for cases where either party is acting pro se, unless specifically requested by the parties. Rather, after all defendants have answered, the Court will review the claims and responses and will enter a Scheduling Order setting forth the applicable deadlines. Additionally, in all non-prisoner pro se cases, the Court will automatically set a settlement conference before a magistrate judge.

4. Initial Pretrial Order

After the Initial Pretrial Conference, the Court will enter an Initial Pretrial Order. The form of the Court's standard Initial Pretrial Order can be found on the Court's website at www.wyd.uscourts.gov under Forms, then under Judge Freudenthal's Forms. The Court fully intends to enforce the deadlines in the Initial Pretrial Order. The parties should plan their litigation activities accordingly.

Dated this 29 day of May, 2013.



Nancy D. Freudenthal
Chief United States District Judge

(ATTACHMENT A)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

Plaintiff,)
vs.) Case No.
Defendant.)

FORM OF JOINT CASE MANAGEMENT PLAN

(PLEASE SKIP ANY QUESTION WHICH IS NOT APPLICABLE)

1. The names of counsel who attended the Rule 26(f) meeting and assisted in developing the Case Management Statement.

Response:

2. A list of the parties in the case, including any parent corporations or entities (for recusal purposes).

Response:

3. A short statement of the nature of the case (2 pages or less), including a description of the claims and defenses.

Response:

4. A statement describing the basis for jurisdiction and citing specific jurisdictional statutes.

If jurisdiction is based on diversity of citizenship, the report shall include a statement of the citizenship of every party and a description of the amount in dispute. The parties are reminded that (1) a corporation is a citizen of the state where it is incorporated and the state of its principal place of business, and (2) partnerships and limited liability companies are citizens of every state in which one of their partners or members resides.

Response:

5. A list of any parties who have not been served, and an explanation of why they have not been served. Also a list of any parties who have been served, but have not answered or otherwise appeared.

Response:

6. A statement of whether any party expects to add additional parties to the case or otherwise amend pleadings (the Court will set a deadline to join parties or amend pleadings at the conference).

Response:

7. Whether there are dispositive or partially dispositive issues appropriate for decision by motion or by agreement.

Response:

8. The nature and type of discovery each party intends to pursue and, whether discovery is an issue and whether the discovery should be limited in any manner.

Response:

9. The status of related cases pending before other courts or other judges of this Court.

Response:

10. Proposed specific dates for each of the following, keeping in mind that trial should occur within nine (9) months from the date of the Initial Pretrial Conference, unless there are unusual or unique circumstances. Parties should be prepared to address any issues that require additional time at the Initial Pretrial Conference.

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- c. A deadline for filing dispositive motions;
- d. A date for a dispositive motion hearing (the parties may choose not to have a hearing);
- e. A date for the final pretrial conference; and
- f. A date for trial.

Response:

11. The estimated length of trial and any suggestions for shortening the trial.

Response:

12. The prospects for settlement, including any request of the Court for assistance in settlement efforts.

Response:

13. Any other matters that will aid the Court and parties in resolving this case in a just, speedy, and inexpensive manner.

Response:

Counsel for Plaintiff(s)

Date

Counsel for Defendant(s)

Date