

not limited to a material witness), who is in state or federal custody, at all proceedings where their appearance is necessary.

16.1 CIVIL ACTIONS-SCHEDULING

- (a) **General Principles.** Unless otherwise ordered, this Local Rule is applicable to all civil actions pending in this district, except for the actions exempted by Rule 16.1(c). Counsel are responsible for completing discovery in the shortest time reasonably possible with the least expense and without the necessity of judicial intervention.

Rule 16(b), Federal Rules of Civil Procedure, requires that a scheduling order be entered in every action, except those specifically exempted, limiting the time (1) to join other parties and to amend the pleadings; (2) to file motions; and (3) to complete discovery. A scheduling order shall be entered within the time set out in Rule 16.1(b). Counsel should have the initial responsibility for suggesting reasonable dates for the scheduling order.

Upon completion of discovery, post-discovery pretrial procedures will be scheduled pursuant to Rule 39.1 and the action will be set for trial. Post-discovery pretrial procedures and the trial setting will be coordinated whenever possible.

- (b) **Scheduling Order Deadline; Method of Calculation.** A scheduling order shall be entered no later than 90 days after the appearance of a defendant or 120 days after the complaint has been served on a defendant, whichever is earlier.

The following guidelines apply to the calculation of the scheduling order deadlines:

1. The 90-day period begins to run on the date on which any defendant files any paper in the action.
2. The 120-day deadline applies if no defendant has appeared within 30 days after the complaint was first served on a defendant and begins to run on the date the complaint was first served on any defendant.

- (c) **Actions Exempt From These Procedures.** Categories of actions exempted from compliance with these procedures are specified in Rule 26(a)(1)(~~EB~~), Federal Rules of Civil Procedure. Exemptions in particular cases are further subject to orders of the Court.

- (d) **Proposed Scheduling Order/Discovery Plan Required; Plaintiff's Counsel Shall Take Lead in Preparation of Proposed Scheduling Order/Discovery Plan.** The parties shall file a proposed scheduling order complying with Rule 16.1(f), together with the discovery plan required by this Rule, 14 days after the meeting required by Rule 26.1(a). The discovery plan shall be included as part of the proposed scheduling order. After the meeting required by Rule 26.1(a) of these Rules, counsel for plaintiff is responsible for preparing a draft of the