

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
(NORTHERN)/(SOUTHERN) DIVISION

In re:

Chapter

,

Case No.

Debtor(s).

Hon.

_____ /

,

Adversary Proceeding No.

Plaintiff(s),

v.

,

Defendant(s).

_____ /

REPORT OF PARTIES' RULE 26(f) CONFERENCE

Pursuant to Fed. R. Bankr. P. 7026 and Fed. R. Civ. P. 26(f), a conference was held on _____,
20____, at (place) (or indicate if by telephone or other means) and was participated in by:

(name) for plaintiff(s)

(name) for defendant(s) (party name)

This is submitted as the required report of that conference.

(1) Initial Disclosures required by Fed. R. Civ. P. 26(a)(1).

The parties will provide such by _____, 20____; or

The parties agree to provide the following at the times indicated:

(2) Discovery of Electronically Stored Information (ESI)

The parties have discussed the following:

(a) The identification of relevant and discoverable ESI and documents, including methods for identifying an initial subset of sources of ESI and documents that are most likely to contain the relevant and discoverable information as well as methodologies for culling the relevant and discoverable ESI and documents from that subset (see Principle 2.05);

(b) The scope of discoverable ESI and documents to be preserved by the parties;

(c) The formats for preservation and production of ESI and documents;

- (d) The potential for conducting discovery in phases or stages as a method for reducing costs and burden;
- (e) The potential need for a protective order and any procedures to which the parties might agree for handling inadvertent production of privileged information and other privilege waiver issues pursuant to Rule 502(d) or € of the Federal Rules of Evidence.
- (f) Plans to eliminate duplicative ESI and whether such elimination will occur only within each particular custodian's data set or whether it will occur across all custodians;
- (g) Plans to filter data based on file type, date ranges, sender, receiver, custodian, search terms, or other similar parameters; and
- (h) Plans to use keyword searching, mathematical, or thesaurus-based topic or concept clustering, or other advanced culling technologies.

The parties have agreed to the following with respect to ESI:

The parties are unable to resolve the following disputes:

(3) ~~(2)~~ Discovery Plan. The parties jointly propose to the Court the following discovery plan:
(Use separate paragraphs or subparagraphs as necessary if parties disagree.)

- (a) Discovery will be needed on the following subjects: (brief description of subjects on which discovery will be needed).
- (b) All discovery commenced in time to be completed by _____, 20____.
[Discovery on (issue for early discovery) to be completed by _____, 20____.
- (c) Maximum of ____ interrogatories by each party to any other party. [Responses due ____ days after service.]
- (d) Maximum of ____ requests for admission by each party to any other party. [Responses due ____ days after service.]
- (e) Maximum of ____ depositions by plaintiff(s) and ____ by defendant(s).
- (f) Each deposition [other than of _____] limited to maximum of ____ hours unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26(a)(2) due:

from plaintiff(s) by ____, 20____.
from defendant(s) by ____, 20____.

(h) Supplementation under Rule 26(e) due (time(s) or interval(s)).

(4) ~~(3)~~ Other Agreed Upon Items. [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

(a) Plaintiff(s) should be allowed until _____ 20____ to join additional parties and until _____, 20____ to amend the pleadings.

(b) Defendant(s) should be allowed until _____ 20____ to join additional parties and until _____, 20____ to amend the pleadings.

(c) All potentially dispositive motions should be filed by _____, 20____.

(d) The proceeding should be ready for trial by _____, 20____.
The trial is expected to take approximately _____ trial days.

(e) Jury Trial Matters.

(i) a jury trial was not timely demanded and is waived; or

a jury trial was timely demanded, but is waived; or

a jury trial was timely demanded but not waived.

(ii) the parties consent to the Bankruptcy Court conducting the jury trial; or

the parties do not at this time consent to the Bankruptcy Court conducting the jury trial.

(f) The parties agree that:

This is a core proceeding; or

This is a non-core proceeding otherwise related to the bankruptcy case.

(g) The parties consent to the Bankruptcy Court entering a final order or judgment in this proceeding; or

The parties do not consent to the Bankruptcy Court entering a final order or judgment in this proceeding.

(5) ~~(4)~~ Other matters.

(6) ~~(5)~~ Matters not agreed upon or insufficiently addressed by the foregoing.

Attorney for _____

Attorney for _____

Attorney for _____

[Signatures of all participants required]

Dated:

16642514.1

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