

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

**CORRECTED NOTICE OF CHANGE IN LOCAL FORM
FOR REPORT OF PARTIES' RULE 26(f) CONFERENCE**

Please disregard the Notice of Change in Local Form for Report of Parties' Rule 26(f) Conference that was sent out by email earlier today. Attached is a Corrected Notice of Change, with a corrected redlined version and corrected clean version of the revised form.

Dated: April 19, 2016

Katherine B. Gullo
Clerk of Court

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

**CORRECTED NOTICE OF CHANGE IN LOCAL FORM
FOR REPORT OF PARTIES' RULE 26(f) CONFERENCE**

Effective immediately, the local form prescribed by the Bankruptcy Court for the Eastern District of Michigan for the Report of Parties' Rule 26(f) Conference is modified. The modifications are intended to conform the report to the revisions made to the Federal Rules of Civil Procedure effective December 1, 2015 and to the Local Bankruptcy Rules effective February 1, 2016.

There are three specific modifications made to the report. First, there is a specific reference to Fed. R. Civ. P. 26(f)(3) in the section titled "Discovery Plan." The reason for that reference is because Fed. R. Civ. P. 26(f)(3) was substantially amended to detail the issues that the parties must now address when putting together their discovery plan. Second, there is another change in the same section to deal with discovery of electronically stored information. LBR 7026-4 was added to the Local Bankruptcy Rules effective February 1, 2016. The new rule incorporates the Model Order Relating to the Discovery of Electronically Stored Information approved by the District Court for the Eastern District of Michigan. This addition to the report ensures that parties discuss whether their case involves the discovery of any electronically stored information and, if so, the applicability of the new local rule to their case. Third, there are changes made in the language regarding the joinder of additional parties and amendments to pleadings. The report now makes clear that the parties are to agree upon a date through which leave is granted and a deadline set both to join

additional parties and amend pleadings. There are also other minor changes to the report that are intended to conform it to the language used in the revised Local Bankruptcy Rules adopted by the Court.

A redlined copy and a clean copy of the modified Report of Parties' Rule 26(f) Conference are attached to this notice. The revised form can also be found at the Bankruptcy Court's website at www.mieb.uscourts.gov.

Dated: April 19, 2016

Katherine B. Gullo
Clerk of Court

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). _____

Field Code Changed

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 Plan. The parties jointly propose to the Court the following discovery plan in conformance with Fed. R. Civ. P. 26(f)(3): (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 Fed. R. Civ. P. 26(a)(2) due: from plaintiff(s) by _____, 20____ from defendant(s) by _____, 20____.
- (h) Supplementation under Rule Fed. R. Civ. P. 26(e) due (time(s) or interval(s)).

(i) Discovery of electronically stored information

- (i) This adversary proceeding does _____ does not _____ involve the discovery of electronically stored information
- (ii) Pursuant to E.D. Mich. LBR 7026-4, the Model Order Relating to the Discovery of Electronically Stored Information approved by the District Court will _____ will not _____ apply.

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

- (a) Plaintiff(s) ~~should be allowed until~~ is granted leave through, and the deadline is, _____, 20____ to join additional parties and ~~until _____, 20____~~ to amend the pleadings.
- (b) Defendant(s) ~~should be allowed until~~ is granted leave through, and the deadline is, _____, 20____ to join additional parties and ~~until _____, 20____~~ to amend the pleadings.
- (c) All potentially dispositive motions ~~should~~ must be filed by _____, 20____.
- (d) The proceeding ~~should~~ will 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.

(4) Other matters.

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

Attorney for _____

Attorney for _____

Attorney for _____

[Signatures of all participants required]

Dated:

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MODEL FORM
rev. 4/2019/2016

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 Plan. The parties jointly propose to the Court the following discovery plan in conformance with Fed. R. Civ. P. 26(f)(3): (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 Fed. R. Civ. P. 26(a)(2) due:
from plaintiff(s) by _____, 20____
from defendant(s) by _____, 20____.
- (h) Supplementation under Fed. R. Civ. P. 26(e) due (time(s) or interval(s)).
- (i) Discovery of electronically stored information
 - (i) This adversary proceeding does ____ does not ____ involve the discovery of electronically stored information
 - (ii) Pursuant to E.D. Mich. LBR 7026-4, the Model Order Relating to the Discovery of Electronically Stored Information approved by the District Court will ____ will not ____ apply.

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

- (a) Plaintiff(s) is granted leave through, and the deadline is, _____, 20____ to join additional parties and to amend the pleadings.
- (b) Defendant(s) is granted leave through, and the deadline is, _____, 20____ to join additional parties and to amend the pleadings.
- (c) All potentially dispositive motions must be filed by _____, 20____.
- (d) The proceeding will 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.

(4) Other matters.

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

Attorney for _____

Attorney for _____

Attorney for _____

[Signatures of all participants required]

Dated:

MODEL FORM
rev. 4/19/2016