

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CHARLES M. MURRELL III,
Plaintiff,

v.

Civil Action No. 1:23-cv-11802-IT

PATRIOT FRONT, THOMAS ROUSSEAU,
AND JOHN DOES 1-99,
Defendants.

NOTICE OF SCHEDULING CONFERENCE

April 8, 2024

In accordance with Fed. R. Civ. P. 16(b and Local Rules 16.1 (as modified by this order),
an initial scheduling conference will be held on April 26, 2024, at 3:00 PM. The scheduling
conference will be held by video or may be cancelled if the court determines a Scheduling
Conference is not necessary.

Counsel for the plaintiff(s) is responsible for ensuring that all parties and/or their
attorneys who have not filed an answer or appearance with the court are notified of the date of
the scheduling conference.

The court expects compliance with sections (b), (c), and (d) of L.R. 16.1¹ as
modified below:

- Scheduling Order:** In most cases, the court will issue a scheduling order in the form of the template attached hereto. The court may depart from the form in cases of relative complexity or simplicity or otherwise if justice so requires. The parties should attempt to agree on the relevant dates for discovery and motion practice. In a case of ordinary complexity, the parties should propose a schedule that calls for the completion of fact discovery, expert discovery, and motion practice less than one calendar year from the date of the scheduling conference. The dates of the status conference and pretrial conference will be set by the court. When filing the Joint Statement, counsel should submit a proposed scheduling order using the attached template.

2. **Settlement Proposals:** Each defendant shall present to the plaintiff(s) a written response to the plaintiff(s)' settlement proposal(s) no later than seven days prior to the scheduling conference.
3. **Initial Disclosures:** In addition to the information required by L.R. 26.2, initial disclosures shall include:
 - a. The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subjects of the information; and,
 - b. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party relevant to disputed facts alleged with particularity in the pleadings.
4. **Joint Statement:** The parties' joint statement shall contain the information set forth at L.R. 16.1(d). In addition, the joint statement shall list all pending motions and shall also identify any matters that need to be discussed at the scheduling conference. If no matters are so identified, the court is likely to issue a Scheduling Order based on the parties' Joint Statement and cancel the scheduling conference.
5. **Reassignment to a Magistrate Judge:** The parties' joint statement shall indicate whether all parties consent to reassignment of the case to a magistrate judge for all purposes. If all parties consent, the parties should also jointly file a completed "Consent/Refusal of Magistrate Judge Jurisdiction" form available at <http://www.mad.uscourts.gov/resources/forms-local.htm>.

Proposed Orders: Any proposed orders, such as Proposed Protective Orders, shall be docketed separately as an exhibit to a Motion for Proposed Order.

Indira Talwani
United States District Judge

By: **/s/Gail A. MacDonald Marchione**
Courtroom Deputy Clerk

Date: April 8, 2024

¹ These sections of Local Rule 16.1 provide:

(b) **Obligation of Counsel to Confer.** Unless otherwise ordered by the judge, counsel for the parties must, pursuant to Fed. R. Civ. P. 26(f), confer at least 21 days before the date for the scheduling conference for the purpose of:

- (1) preparing an agenda of matters to be discussed at the scheduling conference,
- (2) preparing a proposed pretrial schedule for the case that includes a plan for discovery, and
- (3) considering whether they will consent to trial by magistrate judge.

(c) **Settlement Proposals.** Unless otherwise ordered by the judge, the plaintiff shall present written settlement proposals to all defendants no later than 14 days before the date for the scheduling conference. Defense counsel shall have conferred with their clients on the subject of settlement before the scheduling conference and be prepared to respond to the proposals at the scheduling conference.

(d) **Joint Statement.** Unless otherwise ordered by the judge, the parties are required to file, no later than seven (7) days before the scheduling conference and after consideration of the topics contemplated by Fed. R. Civ. P. 16(b) & (c) and 26(f), a joint statement containing a proposed pretrial schedule, which shall include:

- (1) a joint discovery plan scheduling the time and length for all discovery events, that shall
 - (a) conform to the obligation to limit discovery set forth in Fed. R. Civ. P. 26(b), and
 - (b) take into account the desirability of conducting phased discovery in which the first phase is limited to developing information needed for a realistic assessment of the case and, if the case does not terminate, the second phase is directed at information needed to prepare for trial; and
- (2) a proposed schedule for the filing of motions; and
- (3) certifications signed by counsel and by an authorized representative of each party affirming that each party and that party's counsel have conferred:
 - (a) with a view to establishing a budget for the costs of conducting the full course—and various alternative courses—of the litigation; and
 - (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.