

**Civil Form 2, Discovery Plan**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

*Plaintiff(s)*

v.

Civil No. *Case #/Judge Initials*

*Defendant(s)*

**DISCOVERY PLAN**  
**Fed. R. Civ. P. 26(f)**

**DATE/PLACE OF CONFERENCE:**

**COUNSEL PRESENT/REPRESENTING:**

**CASE SUMMARY**

**THEORY OF LIABILITY:**

**THEORY OF DEFENSE:**

**DAMAGES:**

**DEMAND:** *due date [NOTE: need not be filed with the court.]*

**OFFER:** *due date [NOTE: need not be filed with the court.]*

**JURISDICTIONAL QUESTIONS:**

**QUESTIONS OF LAW:**

**TYPE OF TRIAL:** *jury or bench*

## SCHEDULE

**TRACK ASSIGNMENT:**      *EXPEDITED – 6 MONTHS*  
                                         *STANDARD – 12 MONTHS*  
                                         *COMPLEX – 24 MONTHS*

**TRIAL DATE:** *The parties shall set out an agreed trial date — adhering to time periods as mandated by the chosen track assignment — using a preset jury selection day as provided on the court’s web site (www.nhd.uscourts.gov). If the parties cannot agree on a date, they shall set out their respective proposed dates.*

**DISCLOSURE OF CLAIMS AGAINST UNNAMED PARTIES:** *If defendant(s) claim that unnamed parties are at fault on a state law claim (see DeBenedetto v. CLD Consulting Engineers, Inc., 153 N.H. 793 (2006)), defendant(s) shall disclose the identity of every such party and the basis of the allegation of fault [no later than 30 days before the Joinder of Additional Parties deadline and 45 days before the Plaintiff’s Expert Disclosure deadline].*

*Plaintiff shall then have 30 days from the date of disclosure to amend the complaint.*

### **AMENDMENT OF PLEADINGS:**

Plaintiff: *due date*                      Defendant: *due date*

### **JOINDER OF ADDITIONAL PARTIES:**

Plaintiff: *due date*                      Defendant: *due date*

### **THIRD-PARTY ACTIONS:** *due date*

**MOTIONS TO DISMISS:** *due date [NOTE: no later than 90 days after preliminary pretrial conference.]*

### **DATES OF DISCLOSURE OF EXPERTS AND EXPERTS' WRITTEN REPORTS AND SUPPLEMENTATIONS:**

Plaintiff: *due date*                      Defendant: *due date*

Supplementations under Rule 26(e) due: *time(s) or interval(s).*

*[Advise the court whether the parties have stipulated to a different form of expert report than that specified in Fed. R. Civ. P. 26(a)(2).]*

### **COMPLETION OF DISCOVERY:**

- (1) *Date all discovery complete [NOTE: no later than 60 days prior to trial date.]*
- (2) *Date for completion of discovery on issues for early discovery, if any.*

**MOTIONS FOR SUMMARY JUDGMENT:** *due date [NOTE: no later than 120 days prior to trial date. The fact that the discovery deadline may postdate the summary judgment deadline is not a sufficient basis to request a continuance of the summary judgment deadline.]*

**CHALLENGES TO EXPERT TESTIMONY:** *due date [NOTE: no later than 45 days prior to trial date.]*

## **DISCOVERY**

### **DISCOVERY NEEDED:**

*Give a brief description of subjects on which discovery will be needed.*

### **MANDATORY DISCLOSURES (Fed. R. Civ. P. 26(a)(1)):**

*Advise the court whether the parties have stipulated to a different method of disclosure than that required by Fed. R. Civ. P. 26(a)(1) or have agreed not to require any Rule 26(a)(1) disclosures.*

**INTERROGATORIES:** A maximum of (number) [PRESUMPTIVE LIMIT 25] interrogatories by each party to any other party. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.

### **REQUESTS FOR ADMISSION:**

A maximum of (number) requests for admission by each party to any other party. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.

### **DEPOSITIONS:**

A maximum of (number) [PRESUMPTIVE LIMIT 10] depositions by plaintiff(s) and (number) [PRESUMPTIVE LIMIT 10] by defendant(s). Each deposition (*other than of /name\*) limited to a maximum of (number) [PRESUMPTIVE LIMIT 7] hours unless extended by agreement of the parties.

### **ELECTRONIC INFORMATION DISCLOSURES (Fed. R. Civ. P. 26(f)):**

*Provide (a) a brief description of the parties' proposals regarding the disclosure or discovery of electronically stored information ("ESI") and/or attach a proposed order and/or (b) identify any disputes regarding the same. The potential issues the parties should consider include, but are not limited to: (1) Preservation. Counsel should attempt to agree on steps the parties will take to segregate and preserve ESI in order to avoid accusations of spoliation; (2) Email Information. Counsel should attempt to agree on the scope of email discovery and email search protocol; (3) Back-up and Archival Data. Counsel should attempt to agree on whether responsive back-up and archival data exists, the extent to which back-up and archival data is reasonably accessible, and who will bear the cost of obtaining such data; (4) Format and Media. Counsel should attempt to agree on the format and media to be used in the production of ESI, and whether production of some or all ESI in paper form is agreeable in lieu of production in electronic format; (5) Reasonably Accessible Information and Costs. Counsel should attempt to determine if any responsive ESI is not reasonably accessible, i.e., is accessible only by incurring undue burdens or costs; (6) Privileged or Trial Preparation Materials.*

*Counsel also should attempt to reach agreement regarding what will happen in the event privileged or trial preparation materials are inadvertently disclosed. See Fed. R. Evid. 502.*

