

Rule 16. Pretrial Conferences; Scheduling; Management

(a) Applicability. With the exception of cases assigned to the magistrate judge under Rule 40-III or, unless otherwise ordered by the judge to whom the case is assigned, the provisions of this Rule shall apply to all civil actions and to all small claims actions and landlord-tenant actions certified to the Civil Division for jury trial.

(b) Initial Scheduling and Settlement Conference. In every case assigned to a specific calendar or a specific judge, an initial scheduling and settlement conference shall be held as soon as practicable after the complaint is filed. At that conference the judge will ascertain the status of the case, explore the possibilities for early resolution through settlement or alternative dispute resolution techniques, and determine a reasonable time frame for bringing the case to conclusion. After consulting with the attorneys for the parties and with any unrepresented parties, the judge will place the case on one of several alternative time tracks and will enter a scheduling conference order which will set dates for future events in the case. No attorney need appear in person for the scheduling conference if a praecipe conforming to the format of Civil Action Form 113 (Praecipe Requesting Scheduling Order) signed by all attorneys is filed no later than fourteen days prior to the scheduling conference date consenting to the entry by the Court of a track one or track two scheduling order outside their presence provided that the praecipe certifies that the case is at issue, all parties are represented by counsel, there are no pending motions and the praecipe is accompanied by an addressed envelope or mailing label for each attorney delivered with a copy to the assigned judge's chambers. Neither addressed envelopes nor mailing labels need be provided for documents filed under the Court's electronic filing program. The order will generally include dates for the following events:

(1) *Deadline for Discovery Requests.* No interrogatories, requests for admission, requests for production or inspection, or motions for physical or mental examinations may be served after this date. Only party depositions ad testificandum and nonparty depositions duces tecum or ad testificandum may be noticed after this date.

(2) *Exchange Lists of Fact Witnesses.* On or before this date, each party must file and serve a listing, by name and address, of all fact witnesses known to that party, including experts who participated in, and will testify about, pertinent events. No witness may be called at trial, except for rebuttal or impeachment purposes, unless he or she was named on the list filed by one of the parties on or before this date or the calling party can establish that it did not learn of the witness until after this date.

(3) *Proponent's Rule 26(b)(4) Statement.* By this date a statement comporting with Rule 26(b)(4) must be filed and served by any proponent of an issue (a party asserting a claim or an affirmative defense) who will offer an expert opinion on such an issue.

(4) *Opponent's Rule 26(b)(4) Statement.* By this date a statement comporting with Rule 26(b)(4) must be filed and served by any opponent who will offer an expert opinion on such an issue.