

Rule 16 Conference Checklist

To make Rule 16 conference calls more efficient, Judge Barzilay refers counsel to the following checklist. The court and counsel may use this checklist to streamline the judicial process and clarify ambiguities. Counsel should be prepared to address the following items.

Nature of the case (Customs, Trade, Penalty, other).

Report to the court on counsels' pre-conference discussions

Is there a possibility of settlement?

Are there other parties that need to be joined or might file as amici?

Is action ripe for Summary Judgment or are there questions of fact?

If Summary Judgment

- Are the legal issues focused?
- Are there any significant, but non-material, facts still in dispute?
- Are there other pending cases which might affect this case?
- Is this a test case? Are entries still coming in?
- Are there past cases?
- Proposed schedule of briefs? Who will submit the schedule?

If Questions of Fact:

- Discovery:
 - Type (e.g. expert or out of country) and number of witnesses?
 - Time needed for discovery?
 - Are there any complications in document production?
- Stipulation or narrowing of issues or facts?
- Any special evidentiary matters?
- Time-line for presenting evidence?

Set dates for briefing schedule, dispositive motions or request for trial.

- See chamber's website for sample forms. Be sure to provide specific dates.

Are there any confidential matters that require special attention?

As a general rule the court is lenient with extensions, but disfavors granting repeated requests.