

Proposed Form SCP 5

UNITED STATES COURT OF INTERNATIONAL TRADE

	Plaintiff,	:	BEFORE
		:	Court No. XX-XXXXX
	v.	:	
	Defendant.	:	
		:	

**STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER**

Pursuant to Rule[s X,] 16 and 26(f) of the Rules of the United States Court of International Trade, the parties have conferred to consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving this matter; to make or arrange for the disclosures required by Rule 26(a)(1); to discuss any issues about preserving discoverable information; and, to develop a proposed discovery plan. Plaintiff [insert name] states that the matter in controversy is \$X, exclusive of interest and costs.

WHEREAS, to facilitate the just, speedy, and inexpensive determination of this matter, plaintiff [insert name] and defendant [insert name] hereby stipulate to the entry of the following discovery plan and scheduling order:

- 1) Initial disclosures made pursuant to USCIT Rule 26 (a)(1) will be provided to the other parties by within 14 days.
- 2) Any motions regarding the pleadings or other preliminary matters will be filed by within 30 days.
- 3) The threshold of 10 depositions as set forth in USCIT Rule 30(a)(2)(A)(i) will be reduced to two depositions.
- 4) No party will serve written interrogatories on any other party as would otherwise be provided under USCIT Rule 33.

- 5) This Order does not alter or limit a party's ability to serve requests in accordance with USCIT Rule 34.
- 6) No party will serve more than 10 requests for admission pursuant to USCIT Rule 36(a)(1)(A). A party is not limited as to the number of requests for admission served pursuant to USCIT Rule 36(a)(1)(B).
- 7) This Order does not alter or limit a party's ability to conduct discovery involving non-parties, including depositions by oral examination or commands made pursuant to USCIT Rule 45.
- 8) [USCIT R. 26(f)(3)(C). Identify any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced.]
- 9) [USCIT R. 26(f)(3)(D). Identify any issues about claims of privilege or of protection as trial preparation materials.]
- 10) [USCIT R. 26(f)(3)(F). Identify any other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).]
- 11) Discovery will be completed by [within 6 months].
- 12) Any motions regarding discovery will be filed no later than 30 days after the close of discovery.
- 13) Dispositive motions, if any, will be filed by [within 60 days of the close of discovery, assuming there are no discovery motions]. A brief in response to a dispositive motion may include a dispositive cross-motion.
- 14) If no dispositive motions are filed, a request for trial, if any, will be filed by [within 90 days of the close of discovery] and will be accompanied by a proposed Order Governing Preparation for Trial.
- 15) If necessary, trial will begin at a time and place ordered by the court.

The Clerk of the Court is directed to forward copies of this order to counsel for all parties.

Respectfully submitted,

By: \_\_\_\_\_  
Attorney[s] for Plaintiff[s]  
[Insert name of firm, address & telephone number]

By: \_\_\_\_\_  
Attorney[s] for Defendant[s]  
[Insert name of firm, address & telephone number]

Dated:  
New York, New York

SO ORDERED:

\_\_\_\_\_  
JUDGE

Dated:  
New York, New York