

Proposed Rule X

Rule X. Voluntary Agreement for the Resolution of Small Claims

(a) In General. For matters involving small claims or those that will not have a significant impact on the disposition of any future claim before the Court, the parties may voluntarily agree to limit the scope and length of discovery otherwise provided under the Rules of the Court.

(b) Discretion of the Parties. Whether a case qualifies for resolution under this Rule is at the discretion of the parties. A case is not eligible for resolution under this Rule if all parties do not agree. Factors the parties should consider in determining whether a case is well suited for resolution under this Rule are whether the matter in controversy is less than the sum or value of \$[X],¹ exclusive of interest and costs, and whether the matter will have a significant impact on the disposition of any future claim before the Court. The parties' discussions, however, are not limited to these factors. Cases deciding the classification of imported merchandise under the Harmonized Tariff Schedule of the United States are not well suited for resolution under this Rule if there is likelihood that the merchandise will be imported into the United States again in the future.

(c) Stipulated Discovery Plan and Scheduling Order. Should all parties agree that the matter is well suited for resolution under this Rule, the parties shall enter into a

¹ As part of the pilot program of this rule, the Rules Advisory Committee of the Court will review and determine a recommended limit for the amount in controversy of a case that may be well suited for resolution under this rule.

stipulated discovery plan and scheduling order. A model stipulated discovery plan and scheduling order are provided as Form SCP 5.

(d) Modifying the Stipulated Discovery Plan and Scheduling Order. Once entered, the Court may, for good cause, modify the stipulated discovery plan and scheduling order. Examples of good cause include, but are not limited to, (1) the consent by all parties to modify the discovery plan and schedule; (2) a demonstration that the matter in controversy materially exceeds the sum or value understood by the parties at the time of entry of the order; or (3) discovering subsequent to the entry of this order that the outcome of this matter may have a significant impact on the disposition of any future claim before the Court.