

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TENNESSEE STATE CONFERENCE OF)	
THE NAACP, et al.,)	NO. 3:23-cv-00832
)	
Plaintiffs,)	JUDGE ELI RICHARDSON
)	JUDGE ERIC E. MURPHY
v.)	JUDGE BENITA Y. PEARSON
)	
WILLIAM B. LEE, in his official capacity)	
as Governor of the State of Tennessee, et)	
al.,)	
)	
Defendants.)	

ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE

Pursuant to Local Rule 16.01, effective August 14, 2018, notice is hereby given that the initial case management conference is scheduled before the appointed three-judge panel via Zoom on 10/27/2023, at 1:30 p.m. EDT. Counsel for Plaintiffs shall set up the Zoom meeting and email the meeting link to richardson_chambers@tnmd.uscourts.gov and Defense counsel. Plaintiffs' counsel shall also make listen-only electronic access available to members of the public and media.

Lead trial counsel for each party who has been served and who has received this notice is required to attend the initial case management conference unless otherwise ordered by the Court.

Counsel shall be prepared to confirm the scheduling of future litigation dates in the conference, including availability for trial.

Counsel for all parties must, at the initiative of plaintiffs' counsel, prepare and submit a joint proposed case management order that encompasses the discovery plan required by Fed. R.

Civ. P. 26(f), addresses any issues that can be resolved by agreement, and is otherwise in compliance with Local Rule 16.01(f). Counsel shall also ensure that the proposed initial case management order conforms to the requirements of the sample initial case management order of District Judge Richardson attached to this order. In addition, the proposed case management order shall be emailed in Word format to richardson_chambers@tnmd.uscourts.gov no later than three (3) business days before the initial case management conference. If the proposed order cannot be filed and emailed on time, the plaintiffs' counsel is responsible for contacting District Judge Richardson's chambers to reschedule the conference.

Effective December 1, 2000, Fed. R. Civ. P. 26(a)(1) and April 18, 2005, Administrative Order No. 167 regarding required initial disclosures and electronic proposed orders applies.

PURSUANT TO LOCAL RULE 16.01(e)(2), COUNSEL FOR THE PARTY FILING THIS LAWSUIT MUST SERVE A COPY OF THIS NOTICE ON THE OTHER PARTIES TO THIS LAWSUIT, ALONG WITH THE SUMMONS AND COMPLAINT OR WITH THE REQUEST FOR WAIVER OF SERVICE UNDER FED. R. CIV. P. 4(d).

IT IS SO ORDERED.

/s Eli Richardson
ELI RICHARDSON
UNITED STATES DISTRICT JUDGE

/s Eric E. Murphy
ERIC E. MURPHY
UNITED STATES CIRCUIT JUDGE

/s Benita Y. Pearson
BENITA Y. PEARSON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
[NAME OF DIVISION]

JOHN Q. PUBLIC,)
)
 Plaintiff,)
)
 v.) NO.)
)
 ACME CORPORATION,) JUDGE RICHARDSON)
)
 Defendant.)

PROPOSED INITIAL CASE MANAGEMENT ORDER

A. JURISDICTION: The court has jurisdiction pursuant to _____.

B. BRIEF THEORIES OF THE PARTIES: [not to be verbatim recitation of the pleading and should be as brief as reasonably feasible]:

For Plaintiff:

For Defendant:

C. ISSUES RESOLVED: Jurisdiction and venue [if resolved].

D. ISSUES STILL IN DISPUTE: [The parties should state the issues still in dispute in broad terms, such as “liability and damages.” The parties then should specify the issues still in dispute in somewhat more detail, but with as much brevity as is reasonably feasible].

E. INITIAL DISCLOSURES: The parties shall exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before _____.

F. CASE RESOLUTION PLAN AND JOINT STATUS REPORTS: The parties are encouraged to consider the Alternative Dispute Resolution options provided in Local Rules 16.02

through 16.05. **If the parties do not propose a detailed plan for resolution of the case in their proposed initial case management order, the Court will establish case resolution plan requirements.** Approximately fourteen (14) days after the conclusion of fact discovery, the parties shall submit a joint report confirming that the parties made a good faith attempt to resolve the case. The joint report shall also state whether the parties believe ADR might assist in resolution of the case. If a judicial settlement conference is requested in either joint report or separately, the parties shall also state (i) the reasons why mediation is not feasible; (ii) their proposed timing for scheduling of the settlement conference; and (iii) any preference of a particular Magistrate Judge to conduct the settlement conference.

G. DISCOVERY: The parties shall complete all written discovery and depose all fact witnesses on or before _____. Written discovery should proceed promptly (unless otherwise provided for herein) and shall be served by no later than _____. Discovery is not stayed during dispositive or other motions, unless ordered by the Court.

A party may not bring a discovery dispute to the Court for resolution before lead counsel for that party has held a telephonic or in-person discussion with lead counsel for every one of the parties adverse to it with respect to the dispute (which, in the case of multiple adverse parties, may occur separately with different adverse parties) and has made a good-faith effort to resolve the dispute. Discovery disputes that cannot be resolved after the required discussion(s) should be brought promptly to the attention of the Court via a request for a discovery conference. All discovery motions shall be filed by no later than _____. In connection with any discovery conference or discovery motion, the applicable parties shall file a joint discovery dispute statement, which describes the specific discovery request(s) in dispute and details each party's position with supporting fact and legal authorities. The joint discovery dispute statement shall certify that lead

counsel for every applicable party held the aforementioned telephonic or in-person discussion(s) and made a good faith effort to resolve each discovery dispute presented in the statement. If the joint statement is sufficiently detailed, any party may adopt by reference the joint statement for purposes of Local Rule 7.01(a)(2) or (a)(3), but must clearly state in the filing (made in accordance with any timing requirements set forth in Local Rule 7.01(a)(3)) that the joint statement is adopted as the party's memorandum of law or response, as the case may be.

H. MOTIONS TO AMEND OR TO ADD PARTIES: Any motions to amend or to add parties shall be filed by no later than _____ and must comply with Local Rules 7.01 and 15.01.

Any motion to amend must be accompanied by the proposed amended pleading, which shall be included as an exhibit to the motion. Before filing the motion to amend, counsel for the moving party shall discuss the proposed amendment with all other counsel and shall state in the motion to amend whether the motion is opposed.

I. **[only if applicable]** DISCLOSURE AND DEPOSITIONS OF EXPERTS: The plaintiff shall identify and disclose all expert witnesses and expert reports on or before _____. The defendant shall identify and disclose all expert witnesses and reports on or before _____. Rebuttal experts shall be permitted only by leave of court. Unless otherwise provided for in a separate pretrial order, supplemental expert disclosures, which specifically include, but are not limited to, any supplemental information to expert reports, must be made in accordance with Rule 26(a) and (e). Supplemental expert opinions or other expert disclosures not timely disclosed may be excluded at trial. *See* Local Rule 39.01(c)(5)(C). Expert depositions shall be completed by _____.

J. SUBSEQUENT CASE MANAGEMENT CONFERENCE. A subsequent case

management conference shall be held on _____, to address: status of discovery (including any known or anticipated discovery issues or disputes); prospect for settlement (including propriety of ADR); and, any other appropriate matters.

K. DISPOSITIVE MOTIONS: As provided above, the parties must attempt to resolve the case prior to the filing of dispositive motions. Dispositive motions shall be filed by no later than _____. Responses to dispositive motions shall be filed within 28 days after the filing of the motion. Briefs or memoranda of law in support of or in opposition to a dispositive motion shall not exceed 25 pages. Optional replies may be filed within 14 days after the filing of the response and shall not exceed 5 pages. No motion for partial summary judgment shall be filed except by permission of the Court. Any party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel, and the Court.

L. ELECTRONIC DISCOVERY. If the parties have reached an agreement on how to conduct electronic discovery, Administrative Order No.174-1 need not apply to this case. Any agreement between the parties to address the topics provided by Administrative Order No. 174-1 must be reduced to writing, signed by counsel, and either filed as a stipulation of agreed-upon electronic discovery procedures, or, if the parties request court approval, submitted as a proposed agreed order with an accompanying motion for approval. In the absence of an agreement, the default standards of Administrative Order No. 174-1 will apply.

M. MODIFICATION OF CASE MANAGEMENT ORDER. Any motion to modify the case management order or any case management deadline shall be filed at least seven (7) days in advance of the earliest impacted deadline. Unless a joint motion, the motion for modification must include a statement confirming that counsel for the moving party has discussed the requested

modification or extension with opposing counsel and whether or not there is any objection to the requested modification or extension. The motion for modification must also include: (i) the trial date and all deadlines, even unaffected deadlines, so that it will not be necessary for the Court to review one or more previous case management orders in consideration of the motion and (ii) a statement that the requested extension will still conform to the requirements of Local Rule 16.01(h)(1) that no dispositive motion deadline, including response and reply briefs, shall be later than 90 days in advance of the trial date. Motions for extensions should also detail the moving party's efforts at diligently complying with the originally schedule deadline and the facts demonstrating good cause for modification of the deadline as required by Fed. R. Civ. P. 16(b)(4).

N. ESTIMATED TRIAL TIME AND TARGET TRIAL DATE: The [JURY or BENCH] trial of this action is expected to last approximately _____ days. A trial date no earlier than _____ is respectfully requested. [Refer to Local Rule 16.01(h)(1) for relationship between the dispositive-motion deadline and the timing of target trial date.]

It is so **ORDERED**.

ELI RICHARDSON
UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:

Attorney for Plaintiff

Attorney for Defendant