

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

[Plaintiff],

Civ. No. [] (DJF)

Plaintiffs,

v.

[Defendant],

**RULE 26(f) REPORT
TEMPLATE (ERISA)**

Defendant.

The parties/counsel identified below conferred as required by Fed. R. Civ. P. 26(f) and the Local Rules, on _____ [in person/via video conference] and prepared the following report.

The initial pretrial conference required under Fed. R. Civ. P. 16 and LR 16.2 is scheduled for _____, 20____, before United States Magistrate Judge Dulce J. Foster [in Courtroom 6B of the U.S. Courthouse, 316 N. Robert Street, in St. Paul, Minnesota] [by Zoom].

DESCRIPTION OF THE CASE

- (1) Concise factual summary of plaintiff's claims:
- (2) Concise factual summary of defendant's claims/defenses:
- (3) Statement of jurisdiction:
- (4) Summary of factual stipulations or agreements:
- (5) A jury trial [has/has not] been demanded by [plaintiffs/defendants/all parties].
- (6) The parties [agree/do not agree] to resolve the matter under the Rules of Procedure for Expedited Trials of the United States District Court, District of Minnesota, if applicable.

PLEADINGS

The status of pleadings is as follows: [Statement as to whether all process has been served and all pleadings filed, and any current plans for any party to move to amend pleadings or add additional parties to the action.]

DISCOVERY

The parties recommend that the Court establish the following discovery deadlines and limitations:

- (1) The administrative record will be produced no later than _____. The parties have discussed the form in which the administrative record will be produced and have reached the following agreement: _____.
- (2) Plaintiff(s) will inform Defendant(s) whether [she/he/they] agree(s) the administrative record is complete on or before _____.
- (3) Discovery is allowed in ERISA disability benefits cases only if the parties agree, or upon Court order. Any motion to allow discovery shall be filed on or before _____. [If additional discovery is permitted by the Court, the Court and the parties will discuss appropriate deadlines and limitations for the completion of discovery and any related motion practice.]
- (4) Protective Order. The parties agree that a protective order [is/is not] necessary to govern discovery. If a protective order is requested by any party, the parties will jointly submit either a proposed protective order or a report identifying areas of disagreement on or before _____. [The parties are encouraged, though not required, to use the Court's Form Protective Order as a template: <https://www.mnd.uscourts.gov/forms/stipulation-protective-order>.]

(5) Claims of Privilege or Protection. As required by Fed. R. Civ. P. 26(f)(3)(D), the parties have discussed procedures for asserting that information is protected by a privilege or the work-product doctrine, including procedures for asserting these claims after production (so-called “claw-back” procedures), and whether to request an order from the Court under Fed. R. Evid. 502(d). The parties [have reached an agreement as follows: _____/have not reached an agreement and will jointly submit a report identifying any areas of disagreement on or before _____.]

(6) Preservations of documents and Electronic Discovery. The parties have discussed the scope of discovery, including relevance and proportionality and any issues about preserving discoverable information. The parties have also discussed electronic discovery. [The parties do not foresee that electronic discovery will be an issue in this case and have represented they will work together to resolve any disputes.] OR [The parties have reached the following agreement regarding Electronic Discovery:_____]

MOTIONS

The parties propose the following deadlines for filing motions:

- (1) Motions seeking to join other parties must be filed and served by _____.
- (2) Motions seeking to amend the pleadings must be filed and served by _____.
- (3) All other non-dispositive motions (other than motions to allow discovery) must be filed and served by _____.
- (4) Dispositive motions _____.

TRIAL

- (1) The parties agree that the case will be ready for trial on or after _____.
- (2) The parties propose that the final pretrial conference be held on or before _____.
- (3) The anticipated length of the [bench/jury] trial is _____ days.

CONSENT TO TRIAL BY MAGISTRATE JUDGE

The parties [have/have not] agreed to consent to jurisdiction by the Magistrate Judge under 28 U.S.C. § 636(c). [If the parties have agreed to consent, file the consent form with the Rule 26(f) Report.]

SETTLEMENT

- (1) The parties will discuss settlement before the initial pretrial conference, by the plaintiff making a written demand for settlement and each defendant making a written response/offer to the plaintiff's demand.
- (2) The parties propose that a settlement conference be scheduled to take place before _____.
- (3) The parties have discussed whether alternative dispute resolution will be helpful to the resolution of this case and recommend the following: _____.

DATE: _____

 Plaintiff's Counsel
 License #
 Address
 Phone #

DATE: _____

Defendant's Counsel
License #
Address
Phone #