

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

CRUISE LINES INTERNATIONAL  
ASSOCIATION ALASKA, et al.

v.

CITY AND BOROUGH OF JUNEAU,  
ALASKA, et al.

JUDGE H. RUSSEL HOLLAND

CASE NO. 1:16-cv-0008-HRH

PROCEEDINGS: ORDER FROM CHAMBERS

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Initial Case Status Report:  
Case Scheduling & Planning

Pursuant to Rules 16(b) and 26(f), Federal Rules of Civil Procedure, and Local Rule 16.1, counsel for all parties must meet within 21 days from service of this order for purposes of jointly completing a scheduling and planning report. The report should conform to the attached form.

Within 28 days from service of this order, counsel for plaintiff shall serve and file the parties' report with the court. The court will employ the report for purposes of entering a scheduling and planning order

In the event the parties to this case are already actively engaged in settlement negotiations, counsel for plaintiff shall so advise the court within 7 days following the entry of this order, and shall specify the date by which the parties expect to conclude their settlement negotiations.

*[Attorney's Name, Firm Name,  
Address & Contact Information]*

*[Case Caption]*

SCHEDULING AND PLANNING CONFERENCE REPORT

I. Meeting. In accordance with Rule 26(f), Federal Rules of Civil Procedure, a meeting was held on *[date]*, and was attended by:

*[List Attorneys' Names and Parties Represented]*

As a result of their meeting, the parties recommend the following.

II. Disclosures. The information required by Fed. R. Civ. P. 26(a)(1):

A. \_\_\_ Has been exchanged by the parties.

B. \_\_\_ Will be exchanged by the parties on or before *[date]*.

C. Preliminary witness lists:

1. \_\_\_ Have been exchanged by the parties.

2. \_\_\_ Will be exchanged by the parties on or before *[date]*.

III. Contested Issues of Fact and Law. Preliminarily, the parties expect the following issues of fact and/or law to be presented to the court: *[issues to be presented]*

IV. Discovery Plan. The parties jointly propose to the court the following discovery plan.

A. The parties expect that discovery will be needed on the following issues:

B. Are there issues about preserving discovery information?

Yes \_\_\_\_\_ No \_\_\_\_\_ *[If yes, explain.]*

C. Disclosure or discovery of electronically stored information should be handled as follows: *[parties' proposal]*

- D. Claims of privilege or of protection of trial preparation materials:
1. \_\_\_ There is no indication that this will be an issue.
  2. \_\_\_ The parties have entered into a confidentiality agreement.
  3. \_\_\_ The parties will submit their proposed confidentiality agreement on or before *[date]*.
- E. Expert witnesses shall be identified by each party on or before *[date]*. Expert witness disclosures in accordance with Rule 26 shall be made:
- 1 \_\_\_ By all parties, on or before *[date]*.
- <OR>
2. \_\_\_ By plaintiff(s), on or before *[date]*;
  3. \_\_\_ By defendant(s), on or before *[date]*.
- <AND>
4. \_\_\_ Rebuttal reports, on or before *[date]*.
- F. Supplementation of disclosures and discovery responses under Fed. R. Civ. P. 26(e):
1. \_\_\_ At intervals of \_\_\_ days; and final supplementations will be served 60 days before the close of fact discovery.
  2. \_\_\_ As new information is acquired, but not later than 60 days before the close of fact discovery.

- G. A final witness list disclosing all lay and expert witnesses whom a party may wish to call at trial will be served and filed: *[date]*.<sup>1</sup>
- H. Time for completing discovery:
1. \_\_\_ Fact discovery will be completed on or before *[date]*;  
and
  2. \_\_\_ Expert discovery will be completed on or before  
*[date]*;
- <OR>
3. \_\_\_ All discovery will be completed on or before *[date]*.
- I. Limitations on discovery.
1. \_\_\_ Limitations contained in Fed. R. Civ. P. 26(b), 30, and 33 will apply except as indicated below.
  2. \_\_\_ The maximum number of depositions by each party will not exceed \_\_\_\_\_.
    - (a) \_\_\_ Depositions will not exceed \_\_\_\_\_ hours as to any deponent.
    - (b) \_\_\_ Depositions will not exceed \_\_\_\_\_ hours as to non-party deponents.
    - (c) \_\_\_ Depositions will not exceed \_\_\_\_\_ hours as to party deponents.<sup>2</sup>

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<sup>1</sup>This date may be more but not less than 45 days prior to the close of discovery. Only those witnesses disclosed at this time will be permitted to testify at trial.

<sup>2</sup>Unless otherwise specified, the court will consider corporate officer, Rule 30(b)(6) witness, and expert witness depositions to be subject to the time limitation applicable to party depositions.

3. \_\_\_ The maximum number of interrogatories posed by each party will not exceed \_\_\_\_\_.
4. \_\_\_ The maximum number of requests for admissions posed by each party will not exceed \_\_\_\_\_.
5. \_\_\_ Other proposed limitations: \_\_\_\_\_.

V. Pretrial Motions.

- A. \_\_\_ Are there preliminary motions as to jurisdiction, venue, arbitration, and/or statutes of limitation (see D. Ak. L.R. 16.1(c)(5)) which should be filed within 60 days?  
 Yes \_\_\_ No \_\_\_ *[If yes, explain.]*
- B. \_\_\_ Motions subject to D. Ak. L.R. 16.1(c)(6)-(8) and Fed. R. Civ. P. 56(b):
  1. \_\_\_ Will be served and filed not later than the times specified in applicable rules.
  2. \_\_\_ Motions to amend or add parties will be filed not later than *[date]*.
  3. \_\_\_ Motions under the discovery rules will be filed not later than *[date]*.
  4.  Motions in limine will be filed not later than 30 days following the later of the date for the filing of dispositive motions or the date of the court's ruling on timely dispositive motions.
  5. \_\_\_ Dispositive motions (including motions for summary judgment) will be filed not later than *[date]*.

VI. Other Provisions.

- A. The parties [ do /  do not] request a conference with the court before the entry of a scheduling order. *[If the parties do request a conference prior to entry of the order, please explain.]*
- B. The parties [ do /  do not] consent to trial before a magistrate judge.
- C. The disclosure requirements of Fed. R. Civ. P. 7.1, if applicable:
1.  Have been complied with.
  2.  Compliance will be accomplished on or before *[date]*.
- D. Early settlement / alternative dispute resolution.
1.  Do the parties request immediate assistance by way of a settlement conference or alternative dispute resolution?  
Yes  No  *[If yes, explain.]*
  2.  Do the parties wish to consider private mediation or a settlement conference with a judicial officer of this court at a later date?  
Yes  No
- E. The scheduling order will make provision for pretrial conferences, certification of the case as ready for trial, and a final pretrial conference.

VII. Trial.

- A. The case is expected to take  days to try.
- B. 1.  A jury trial [ has /  has not] been requested.

2.     \_\_\_     The right to a jury [    is /     is not] disputed.

VIII. Report Form.

A.     \_\_\_     Have counsel experienced any problem(s) in using this form?

          Yes \_\_\_\_\_     No \_\_\_\_\_     *[If yes, explain.]*

B.     \_\_\_     Are there subjects which counsel would like to see added to  
          this form?

          Yes \_\_\_\_\_     No \_\_\_\_\_     *[If yes, explain.]*

Dated: \_\_\_\_\_

*[Signature Block]*