

-----X
: _____ Civ. _____ (AKH)
:
:
Plaintiff(s), :
:
-against- : **CIVIL CASE MANAGEMENT PLAN**
:
:
:
Defendant(s). :
:
-----X

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

- A. The case (is) (is not) to be tried to a jury. [Circle as appropriate].
- B. Non-Expert Discovery:
 - 1. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. All non-expert discovery is to be completed by _____, which date shall not be adjourned except upon a showing of good cause and further order of the Court. Interim deadlines for specific discovery activities may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. The parties shall list the contemplated discovery activities and anticipated completion dates in Attachment A, annexed hereto.
 - 2. Joinder of additional parties must be accomplished by _____.
 - 3. Amended pleadings may be filed without leave of the Court until _____.
- C. For all causes of action seeking monetary damages, each party shall identify and

quantify in Attachment B, annexed hereto, each component of damages alleged; or, if not known, specify and indicate by what date Attachment B shall be filed providing such information.

D. Motions, Settlement, Second Pre-Trial Conference, and Expert Discovery:

1. Upon the conclusion of non-expert discovery, counsel for the parties shall meet for at least two hours at the office of plaintiff's counsel, to discuss settlement. The date for the meeting is _____, at _____m. (Counsel shall insert a date but, at the option of either, the date may be canceled upon the service or filing of a dispositive motion and notice to the court.)
 - a. There shall be no cross-motions.
2. Approximately one week thereafter, the parties shall meet with the Court for a Second Case Management Conference to discuss the status of the case, the prospects of settlement, whether alternative disputes-resolution procedures should be utilized, the need for and a schedule regulating experts and expert-discovery, appropriate motions and schedules therefor, and any other issue counsel or the Court wish to discuss. The Case Management Conference will be held on Friday, _____, at 10:00 a.m.
3. As to motions, there shall be no more than three rounds of serving and filing papers: supporting affidavits and briefs, opposing affidavits and briefs, and reply affidavits and briefs.

E. Any request for relief from any date provided in this Case Management Plan shall conform to the Court's Individual Rules, and include an order, showing consents and disagreements of all counsel, setting out all dates that are likely to be affected by the granting of the relief requested, and proposed modified dates. Unless and until the Court approves the proposed order, the dates provided in this Plan shall be binding.

F. A final pre-trial conference will be held on a date to be set, as close as possible to the date that trial is expected to begin. The parties, three days before said meeting, shall submit their pre-trial order, conforming to the Court's Individual Rules and, at the conference, deliver their exhibit books containing all exhibits the parties actually intend to offer at the trial.

G. Pre-Trial Motions:

Applications for adjournments and for discovery or procedural rulings will reflect or contain the positions of all parties, and otherwise conform to my Individual Rules 1(D) and 2(E).

SO ORDERED.

New York, New York

_____, 20__

DATED:

ALVIN K. HELLERSTEIN
United States District Judge

ATTACHMENT A

The Parties are to list the discovery activities (i.e., production of documents, number of depositions, requests to admit, interrogatories) and anticipated completion dates:

<u>DISCOVERY ACTIVITIES</u>	<u>COMPLETION DATE</u>
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

ATTACHMENT B

For all causes of action seeking monetary damages, each party shall identify and quantify each component of damages alleged:

1. PLAINTIFF'S CLAIMS:

2. COUNTERCLAIMS AND CROSS-CLAIMS:

3. THIRD-PARTY CLAIMS:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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[JANE DOE], Individually and on :
Behalf of All Other Persons Similarly Situated, : **FORM NOTICE TEMPLATE**
 : **[14 Civ. 1234] (AKH)**
 :
 : Plaintiffs, :
 :
 : -against- :
 :
 : [JOHN DOES], :
 :
 : Defendants. :
 :
 :
-----X

NOTICE OF COLLECTIVE ACTION LAWSUIT

TO: [DEFINE CLASS]

DATE:

RE: Fair Labor Standards Act Lawsuit filed against [DEFENDANTS]

I. WHAT THE LAWSUIT IS ABOUT

[SUMMARIZE COMPLAINT]

II. COMPOSITION OF THE COLLECTIVE ACTION

The named Plaintiff seeks to sue on behalf of herself, and on behalf of other employees who may wish to join her lawsuit and who are similarly situated.

III. NO OPINION EXPRESSED AS TO THE MERITS OF THE CASE

Although the Court has authorized the Plaintiff to send this Notice, the Court expresses no opinion regarding the merits of the claims. This Notice should not be taken as an indication that you should or should not join this lawsuit.

IV. YOUR OPTIONS REGARDING THE LAWSUIT

You may elect to join this lawsuit, bring your own separate lawsuit, or not do anything. If you intend to join the lawsuit, you must complete the enclosed consent to become a plaintiff form by **[insert 45 days from the date of notice]** _____, and send it to the following address:

[PLAINTIFF ATTORNEY NAME]
[STREET ADDRESS]
[TELEPHONE & FAX]
[EMAIL]

You may elect to participate in the lawsuit using [PLAINTIFF'S ATTORNEY NAME] as your counsel, or you may join using your own counsel. [PLAINTIFF'S ATTORNEY NAME] will promptly file the elections to join that he receives.

V. EFFECT OF JOINING THIS ACTION

If you choose to join this lawsuit, you will be bound by any outcome, whether favorable or unfavorable. If the Plaintiff and anyone else who joins this lawsuit prevail at trial, or a settlement is reached, you may be entitled to share in any money recovered, less your share of expenses, including the fees and expenses of plaintiffs' lawyers as may be allowed by the court. On the other hand, if the [DEFENDANTS] prevail, you may not recover any money.

If you choose to join the lawsuit, and while the suit is proceeding, you may be required to answer written questions, provide information and documents (including electronic records), appear for a deposition to give testimony under oath, and testify in court.

You can also join this lawsuit by counsel of your own choosing. If you do so, your attorney must file an "opt-in" consent form by _____ **[insert date that is 45 days from date of notice mailing]**.

VI. EFFECTS OF NOT JOINING THIS LAWSUIT

If you choose not to join this lawsuit, you do not need to do anything. If you do not join this lawsuit, you will not be a part of the case in any way, and will not be bound by any resolution, whether favorable or unfavorable. You should be aware that a claim under the FLSA must be brought within two (2) years of the date the claim accrues, unless you can prove that your employer's violation was "willful," in which case the claim must be brought within three (3) years.

VII. NO RETALIATION PERMITTED

Federal and state law prohibits an employer from discriminating or retaliating against you for choosing to join this lawsuit or otherwise exercising your existing rights under the FLSA.

VIII. LEGAL REPRESENTATION FOR THE DEFENDANTS

The [DEFENDANTS] are represented by [DEFENDANTS' ATTORNEY NAME, FIRM NAME, AND CITY WHERE FIRM IS LOCATED].

CONSENT TO JOIN

1. [STATE YOUR NAME, ADDRESS, AND PHONE NUMBER]
2. [STATE OF YOUR WISH TO BE REPRESENTED BY YOUR OWN ATTORNEY, STATE YOUR ATTORNEY'S NAME, ADDRESS, AND PHONE NUMBER. IN ORDER TO REPRESENT YOU THAT ATTORNEY MUST FILE A NOTICE OF APPEARANCE WITH THE CLERK OF THE COURT.]
3. [STATE THE RELEVANT FACTS, CIRCUMSTANCES, AND DATES AS TO WHICH YOU BELIEVE YOU ARE SIMILARLY SITUATED WITH PLAINTIFF AS TO THE SAME EMPLOYER NAMED IN THE LAWSUIT.]
4. SIGN BEFORE A NOTARY PUBLIC.