

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

PLAINTIFF

v.

Case No.

DEFENDANT(S)

**INITIAL SCHEDULING ORDER**

**It is hereby ordered that the following schedule shall apply in this case and will be modified only upon a showing of exceptional circumstances:**

**I. DISCOVERY**

A. By \_\_\_\_\_ (set deadline 45 days from date of this order), Defendant(s) shall provide Plaintiff with a copy of all incident reports documenting incidents referenced in the Plaintiff's complaint, including any color photographs, and video footage<sup>1</sup> of the same, and shall also provide Plaintiff with a copy of all medical requests, grievances, and photographs in the Plaintiff's file, as well as any written policies, which relate to the facts recited in Plaintiff's complaint. **In instances in which the Plaintiff is incarcerated, if any video footage provided to Plaintiff is returned to defense counsel by the institution of incarceration, defense counsel shall provide a copy of this order to the appropriate official of the institution and this order shall serve as authorization for the Plaintiff to view the video.**

B. Defendant(s) shall supplement the above disclosures with any new information relating to the above disclosures within 10 days of becoming aware of such information.

---

<sup>1</sup> Defendant(s) is/are directed to retain and preserve any such footage. (Video exhibits must be in ATSC compatible formats that will run on DVD players).

C. Following the above disclosures, each party may engage in discovery under the Federal Rules of Civil Procedure, but all discovery in this case must be completed by \_\_\_\_\_ (set deadline 120 days from date of this order). Problems with discovery should be brought to the Court's attention by the filing of a motion to compel, which must be filed within 20 days after the discovery response was due. Before any party files such a motion, however, the party must in good faith confer or attempt to confer with the opposing party in an effort to resolve the discovery matter without court action. A motion to compel must contain a certification that the movant has so conferred pursuant to Fed. R. Civ. P. 37(a)(1).

D. The Defendant(s) is/are granted leave to take the deposition of the Plaintiff pursuant to Fed. R. Civ. P. 30(a)(2)(B). Defense counsel shall provide the Plaintiff with notice of the date of the deposition in the form provided in Rule 30(b)(1) and such notice shall be deemed sufficient if the notice is mailed to the Plaintiff at least fifteen (15) days prior to the scheduled date for the deposition. The failure of the Plaintiff to attend, be sworn, and answer appropriate questions may result in sanctions, including dismissal of the action pursuant to Fed. R. Civ. P. 37.

In instances in which the Plaintiff is incarcerated, defense counsel shall send a copy of this order and the notice of deposition to the appropriate prison/jail official of the institution where the Plaintiff is confined. This official shall allow Plaintiff to have his legal materials relating to this case in his possession during the deposition.

## **II. JOHN/JANE DOE DEFENDANTS**

It is the Plaintiff's responsibility to review the disclosures provided by defense counsel and to conduct any other discovery necessary to identify any John/Jane Doe defendants. Plaintiff shall identify any John/Jane Doe defendants by name and position by \_\_\_\_\_ (set deadline at

**90 days from the date of this order).** The failure to do so will result in the dismissal of the John/Jane Doe defendants.

### **III. MOTIONS TO AMEND/JOIN PARTIES**

Motions to amend pleadings or to join other parties must be filed no later than \_\_\_\_\_ (set deadline at 30 days prior to discovery deadline). **Motions not timely filed may be denied solely for that reason.**

### **IV. SUMMARY JUDGMENT MOTIONS**

A. The Defendant(s) is/are directed to file a motion for summary judgment by \_\_\_\_\_ (set deadline 30 days after discovery deadline). Any defense based upon qualified immunity or failure to exhaust administrative remedies must be raised in the summary judgment motion or will be considered waived.

B. If the Defendant(s) believe that there are genuine issues of material fact precluding the entry of summary judgment, they shall file a Notice so advising the Court.

C. Upon the filing of a motion for summary judgment, the Court will enter a separate order with instructions for Plaintiff to respond to the motion.

**IT IS SO ORDERED this day of 20.**

*/s/Erin L. Wiedemann*

---

HONORABLE ERIN L. WIEDEMANN  
UNITED STATES MAGISTRATE JUDGE