

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Plaintiff: _____
Address: _____
-vs-
Defendant: _____
Address: _____

**Standing Order for Cases
in the Commercial Docket
and Scheduling Order**

Case No. _____
Case Code _____

*Conference of the Parties In Advance of the Scheduling Conference; Management Report and Proposed Calendar;
Planning for Discovery.*

A scheduling conference is calendared for

Date	Time	Location (Include Room No.)
Circuit Court Judge		

Prior to the scheduling conference, the parties shall submit a Management Report and Proposed Schedule for the case in accordance with the below. In considering the schedule, the parties should bear in mind that the goal of the Commercial Docket is to process all cases assigned to the Court within 12-18 months of the date of filing, if not sooner.

1. **Advance Meeting Between or Among Counsel.**

Unless the court orders otherwise, the parties must confer as soon as practicable—and in any event at least 21 days before the scheduling conference.

2. **Conference Subjects; Parties' Responsibilities.**

A. In conferring, the parties must consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; make or arrange for the fulfillment of the Standard Discovery Protocols for Commercial Dockets; discuss any issues about preserving discoverable information; and develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within 14 days after the conference a written report outlining the plan. The court may order the parties or attorneys to attend the conference in person.

B. **Conference Report Contents.**

All elements described in section 2.A. above shall be covered in the Management Report and Proposed Calendar submitted to the court. In particular, the Management Report and Proposed Calendar shall provide:

- (i) *A summary of the dispute from each party's perspective.* No summary may exceed 250 words, except the parties may agree to submit a joint summary, not to exceed 500 words.
- (ii) *Pleadings.* Each party shall state whether it intends to file a motion for initial dispositive or injunctive relief, a brief explanation of the basis for the motion and the projected date of filing

the motion. Each party shall indicate whether all process has been served, all pleadings filed, and whether the party intends to amend pleadings to add additional parties to the action. If a party intends to amend pleadings or add additional parties to the action, its statement shall include a brief explanation of the basis for the amendment or addition, and a projected date of filing.

- (iii) *Proposed timetable for the case.* The parties shall submit a joint proposed timetable for the case. If there is any dispute regarding a proposed date, the parties shall so indicate and briefly state the nature of the dispute.
 - (a) Date for preliminary witness lists.
 - (b) Date for expert witness disclosure and submission of expert witness reports.
 - (c) Date for discovery cutoff.
 - (d) Date for final witness and exhibit lists.
 - (e) How the parties wish to participate in alternative dispute resolution or mediation including a timeline for the same, the name of the mediator, and/or the process for selecting a mutually acceptable arbiter or mediator.
- (iv) *ESI Discovery.* The parties shall describe the arrangements they have made concerning electronic records and discovery as required by §801.01(2)(e), Wis. Stat.
- (v) *Any modifications of the Standard Discovery Protocols.* A copy of the Standard Discovery Protocols is attached. In the Management Report and Proposed Calendar, the parties may submit a proposal to jointly modify the Standard Discovery Protocols. The proposal shall state which items are modified and the nature of the modifications. The court may, or may not, approve of any modifications.
- (vi) *Existing or anticipated disputes.* The parties may submit a joint statement of any existing or anticipated discovery or other disputes and any agreed process for resolving those disputes. If the parties are unable to submit a joint statement or agreed process for resolution, each party shall submit a brief statement of its position to the court.
- (vii) *Special circumstances.* The parties shall address whether the action includes any special circumstances, including class action certification, derivative claims, related proceedings, receivership, or otherwise requires extraordinary consideration by the court.
- (viii) *Other matters.* The parties may submit a joint or separate summary of other matters significant to case management.

3. **Discovery Plan.**

The Management Report and Proposed Calendar shall contain a discovery plan. The plan shall state the parties' views and proposals on:

- A. the subjects on which discovery may be needed and whether discovery should be conducted in phases or be limited to or focused on particular issues;
- B. what changes should be made in the limitations on discovery imposed under this Order or by the Standard Discovery Protocols, and what other limitations should be imposed; and
- C. any other orders that the court should consider or issue under §802.10, Wis. Stats.

4. **Sample format for Management Report and Proposed Calendar.**

To assist practitioners, a sample Management Report and Proposed Calendar is attached. The sample is for illustration only. The sample may be changed or edited as desired.