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District Of Columbia District Court
Case No. 1:08-cv-00401-RCL
MURRELL v. PRESTON

Document 9



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SALLY MURRELL)	
)	
)	
Plaintiff,)	
)	Civil Action No.: 08-0401 (RCL)
v.)	
)	
STEVEN C. PRESTON)	
Administrator, Small Business Administration)	
)	
Defendant.)	
_____)	

JOINT RULE 16.3 REPORT

Pursuant to Rule 16.3(d) of the Local Rules of this Court, the parties hereby submit their Joint Report regarding the matters addressed in their Rule 26(f) and LcR 16.3(c) conference.

The parties conferred via telephone on June 10, 2008.

In accordance with Rule 16.3, the parties state:

1. Dispositive Motions:

Plaintiff's position: Plaintiff's position is that this case raises genuine issues of disputed fact which cannot be resolved by dispositive motion.

Defendant's position: Defendant believes that this case can be resolved by dispositive motion, either before or after the close of discovery.

2. Joinder of Parties or Amendment of Pleadings: The parties do not anticipate joinder of any additional parties to this action, or amendment of the pleadings.

3. Magistrate Judge: The parties do not consent to assignment of the case to a magistrate judge for purposes of trial;

4. Settlement: The extent to which there is a realistic possibility of resolving the claim through settlement is unknown at the present time.

5. ADR: The parties are open to considering mediation at some point, but anticipate the need to complete discovery prior to any potential mediation.

6. Initial Disclosures: The parties will exchange Initial Disclosures fourteen days after the Scheduling Conference.

7. Protective Order: The parties will discuss the terms of a protective order before the Scheduling Conference and will seek resolution from the Court only if they are unable to agree upon reasonable terms.

8. Discovery, Experts and Dispositive Motions Schedule: The parties propose that discovery remain open for 180 days following the Scheduling Order, and ask for the standard limits on discovery, including (1) a one day seven hour duration of all depositions, (2) a limit of 10 depositions per side, and (3) a limit of 30 separate interrogatories per side. The parties propose that any party proposing an expert provide expert designations and reports at least 30 days prior to the close of discovery, and that expert depositions may be taken any time within 45 days after the close of discovery. The parties propose that any summary judgment motion be filed 60 days after the close of discovery, with oppositions due 30 days thereafter, and replies due 15 days after the opposition.

9. Electronic Discovery The parties anticipate engaging in a limited amount of electronic discovery, mainly focused on emails of the important players in the case. Defendant has advised Plaintiff of the following issues with respect to e-discovery: The SBA underwent an

infrastructure technology upgrade starting in January 2006. E-mail can be restored and extracted for approximately one year prior to the current date. Efforts to restore e-mails dating back to 2003 will be extremely difficult and Defendant has estimated the cost to be \$2000 per restoration, in addition to an expert vendor's time, which is estimated at \$100 per hour. Plaintiff doubts that there would be important emails about this case from 2003, since plaintiff was denied promotion in August 2006.

10. Bifurcation: The parties do not believe that bifurcation is necessary.

11. Pretrial Conference:

Plaintiff's position Plaintiff asks that a pretrial conference be scheduled at the earliest possible date consistent with this schedule.

Defendant's position Defendant asks that a pretrial be scheduled only after a ruling on dispositive motions.

12. Trial Date: The parties propose that a trial date be scheduled at the pretrial conference.

Respectfully Submitted,

/s/

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