

**LOCAL RULES OF THE UNITED STATES
DISTRICT COURTS FOR THE NORTHERN
AND SOUTHERN DISTRICTS OF IOWA**

Effective January 1, 2006

N.D. Administrative Order Number 06 - AO - 0001-P

S.D. Administrative Order Number 06 - AO - 0001-P

LR 16.1 SCHEDULING ORDER AND DISCOVERY PLAN

a. Timing of Proposed Order and Plan. Within 120 days after the filing of the complaint, all attorneys of record and all unrepresented parties must submit to the Clerk of Court for approval by a magistrate judge a proposed Rule 16(b) and 26(f) scheduling order and discovery plan.

The parties must confer to complete the proposed scheduling order and discovery plan as soon as practicable, but at least 14 days before the proposed scheduling order and discovery plan is due.

b. Completion of Proposed Order and Plan. The attorneys of record and all unrepresented parties who have appeared in the case are jointly responsible for preparing and filing a proposed scheduling order and discovery plan. The proposed scheduling order and discovery plan must be filed on the form supplied by the Clerk of Court, and must contain all of the information requested in the form. The form may be downloaded from the court's web site at the web address given in Local Rule 1.1.i.

c. Dismissal for Failure to Submit Timely Proposed Order and Plan. The failure to submit timely a proposed scheduling order and discovery plan may result in dismissal of the case.

d. Cases Not Subject to Requirement. A proposed scheduling order and discovery plan must be submitted in all civil cases, except for the following:

1. An action for judicial review based on an administrative record, such as a Social Security benefits case or a claim-review case brought under the Employee Retirement Income Security Act of 1974;
2. A petition, application, or motion for habeas corpus, or other proceeding to challenge a criminal conviction or sentence;
3. An action brought without counsel by a person in custody of the United States, a state, or a state subdivision;
4. An action to enforce or quash an administrative summons or subpoena;
5. An action by the United States to recover benefit payments;
6. An action by the United States to collect on a student loan guaranteed by the United States;
7. A proceeding ancillary to proceedings in other courts;

8. An action to enforce an arbitration award;
9. A foreclosure or civil forfeiture action filed by the United States;
10. An IRS summons enforcement action; and
11. Any other class of cases so designated by order of the court.

e. Scheduling Conference. After reviewing the proposed scheduling order and discovery plan, the magistrate judge may issue the Rule 16(b) and 26(f) scheduling order and discovery plan, either as submitted or with revisions, or may set a scheduling conference. Nothing in this rule precludes the parties from requesting a scheduling or planning conference with the magistrate judge at any time.

f. Requests for Extensions of Deadlines. The deadlines established by the Rule 16(b) and 26(f) scheduling order and discovery plan will be extended only upon written motion and a showing of good cause. A motion to extend a Rule 16(b) and 26(f) scheduling order and discovery plan deadline must comply with Local Rule 7.1.1. A motion containing a request for an extension of a discovery deadline also must contain the following:

1. A description of the discovery not completed;
2. A description of the discovery that has been completed;
3. An explanation of why all discovery cannot be completed by the existing deadline;
4. A statement of when discovery will be completed; and
5. A statement of whether the moving party believes the requested extension will affect any scheduled trial date.

g. Notification by Clerk of Court. After a civil case subject to this rule is filed, the Clerk of Court will provide the plaintiff with the following:

1. A copy of this rule;
2. The instructions and worksheet for the scheduling order and discovery plan; and
3. A scheduling order and discovery plan form.

The plaintiff must attach a copy of the rule to each service copy of the summons and complaint.

Any failure of the Clerk of Court or the plaintiff to provide a party with any of these documents does not excuse the party from compliance with the Local Rules.

h. Dispositive Motion Deadline. The deadline in the proposed scheduling order and discovery plan for filing dispositive motions must be at least 120 days before the proposed ready-for-trial date.

i. Deadlines in Actions for Judicial Review Based on Administrative Record. In actions for judicial review based on an administrative record, such as claim-review cases brought under the Employee Retirement Income Security Act of 1974, within 90 days after the filing of the complaint, all attorneys of record and all unrepresented parties must confer and submit to the Clerk of Court for approval by a magistrate judge a proposed scheduling order setting forth deadlines for the filing of the administrative record and briefs. This section does not apply to Social Security benefits cases, which are scheduled *sua sponte* by the court.

j. Sanctions. The failure to comply with a deadline established in the Rule 16(b) and 26(f) scheduling order and discovery plan may result in sanctions, including the exclusion of evidence, the prevention of witnesses from testifying, the striking of pleadings or other documents, the denial of oral argument, and the imposition of attorney fees and costs.