

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

JOEL SMITH and FLORIDA CARRY,
INC., a Florida Not-for-Profit
Corporation,

Plaintiffs,

v.

Case No: **5:13-cv-347-Oc-10PRL**

DEPUTY ANDY COX, SERGEANT
DAVE FIELDS, SHERIFF JEFFREY
DAWSY and CITRUS COUNTY, a
political subdivision of the State of
Florida,

Defendants.

NOTICE OF DESIGNATION UNDER LOCAL RULE 3.05

Please take notice that, in accordance with Local Rule 3.05, this action is designated as a Track Two Case. Plaintiff is responsible for serving a copy of this notice and any attachment to this notice upon all other parties. All parties must meet any requirements established in Local Rule 3.05 for cases designated on this track. With respect to Track Two and Track Three Cases, parties should utilize the attached Case Management Report form.

SHERYL L. LOESCH, CLERK

Maurya McSheehy

By: Deputy Clerk

Date: July 19, 2013

Distribution:

- Copies to plaintiff(s) [including habeas petitioner(s), bankruptcy appellant(s), and removing defendant(s)]*
- Case Management Report form attached to notice designating Track Two or Three Case*

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CASE MANAGEMENT REPORT

1. Meeting of Parties: Pursuant to Local Rule 3.05(c)(2)(B) or (c)(3)(A), a meeting was held on _____ (date) at _____ M. (time) at _____ (place) and was attended by:

_____ Name _____	_____ Counsel for (if applicable) _____
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2. Pre Discovery Initial Disclosures of Core Information:

a. Fed. R. Civ. P. 26(a)(1) Initial Disclosures (Fed.R.Civ.P. 26(a)(1) provides that these disclosures are mandatory)

The parties

_____ have exchanged (check one)

_____ will exchange by _____(date)

_____ object to the exchange of initial disclosures (If one or more parties objects to initial disclosures identify the objecting party and state the reason(s) for the objection below.

information described in Fed. R. Civ. P. 26(a)(1).

Below is a detailed description of information disclosed, scheduled for disclosure or, if applicable, the basis for the objection to the initial disclosures.

3. Discovery Plan - Plaintiff: The parties jointly propose the following Plaintiffs discovery plan:

a. Plaintiff's Planned Discovery: A description of every discovery effort Plaintiff plans to pursue is described below. The description of each discovery effort will be listed under the appropriate heading below and will include the subject matter of the discovery and the time during which the discovery will be pursued:

(1) Requests for Admission:

Number of Requests for Admission: Parties may seek to limit the number of Plaintiff's requests for admission in accordance with Fed. R. Civ. P. 26(b)(2). Any such request must be presented by motion. See paragraph 6 below.

(2) Written Interrogatories:

Number of Interrogatories: Local Rule 3.03(a) provides "[u]nless otherwise permitted by the Court for cause shown, no party shall serve upon any other party, at one time or cumulatively, more than twenty-five (25) written interrogatories pursuant to Rule 33, Fed.R.Civ.P., including all parts and subparts." Any request by Plaintiff to exceed this limit must be presented by motion. See paragraph 6 below.

(3) Requests for Production or Inspection:

(4) Oral Depositions:

Number of Depositions: Local Rule 3.02(b) provides, "[i]n accordance with Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A), no more than ten depositions per side may be taken in any case unless otherwise ordered by the Court." Any request by Plaintiff to exceed this limit must be presented by motion. See paragraph 6 below.

Time Permitted for Each Deposition, in accordance with Fed.R.Civ.P. 30(d), is limited to one day of seven hours, unless extended by stipulation of the parties or order of the Court.

b. Disclosure of Expert Testimony: Parties stipulate, in accordance with Fed. R. Civ. P. 26(a)(2), that Plaintiff's Fed. R. Civ. P. 26(a)(2) disclosure will be due as noted here:

c. Supplementation of Disclosures and Responses: Parties agree that Plaintiff's supplementation under Fed. R. Civ. P. 26(e) will be provided at the following times:

d. Completion of Discovery: Plaintiff will commence all discovery in time for it to be completed on or before _____(date).

4. Discovery Plan - Defendant: The parties jointly propose the following Defendant's discovery plan:

a. Defendant's Planned Discovery: A description of every discovery effort Defendant plans to pursue is described below. The description of each discovery effort will be listed under the appropriate heading below and will include the subject matter of the discovery and the time during which the discovery will be pursued:

(1) Requests for Admission:

Number of Requests for Admission: Parties may seek to limit the number of Defendant's requests for admission in accordance with Fed. R. Civ. P. 26(b)(2). Any such request must be presented by motion. See paragraph 6 below.

(2) Written Interrogatories:

Number of Interrogatories: Local Rule 3.03(a) provides "[u]nless otherwise permitted by the Court for cause shown, no party shall serve upon any other party, at one time or cumulatively, more than twenty-five (25) written interrogatories pursuant to Rule 33, Fed.R.Civ.P., including all parts and subparts." Any request by Defendant to exceed this limit must be presented by motion. See paragraph 6 below.

(3) Requests for Production or Inspection:

(4) Oral Depositions:

Number of Depositions: Local Rule 3.02(b) provides, "[i]n accordance with Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A), no more than ten depositions per side may be taken in any case unless otherwise ordered by the Court." Any request by Defendant to exceed this limit must be presented by motion. See paragraph 6 below.

Time Permitted for Each Deposition, in accordance with Fed.R.Civ.P. 30(d), is limited to one day of seven hours, unless extended by stipulation of the parties or order of the Court.

b. Disclosure of Expert Testimony: Parties stipulate, in accordance with Fed. R. Civ. P. 26(a)(2), that Defendant's Fed. R. Civ. P. 26(a)(2) disclosure will be due as noted here:

c. c. Supplementation of Disclosures and Responses: Parties agree that Defendant's supplementation under Fed. R. Civ. P. 26(e) will be provided at the following times:

d. d. Completion of Discovery: Defendant will commence all discovery in time for it to be completed on or before _____ (date).

5. Joint Discovery Plan - Other Matters: Parties agree on the following other matters relating to discovery (e.g., handling of confidential information, assertion of privileges, whether discovery should be conducted in phases or be limited to or focused upon particular issues):

6. Disagreement or Unresolved Issues Concerning Discovery Matters:. Any disagreement or unresolved issue concerning discovery matters must be made the subject of a separate motion to be filed not later than eleven days after the filing of the Case Management Report. Such disagreement or unresolved issue will not excuse the establishment of discovery completion dates. Pursuant to Fed.R.Civ.P. 26(a)(1), as amended, December 1, 2000, any objection as to the appropriateness of required Initial Disclosures shall be recorded in the case management report.

7. Third Party Claims. Joinder of Parties. Potentially Dispositive Motions: Parties agree that the final date for filing motions for leave to file third party claims, motions to join parties, motions for summary judgment, and all other potentially dispositive motions should be _____. (Note time limit in Local Rule 4.03.)

8. Settlement and Alternative Dispute Resolution. Parties agree that settlement is

_____ likely (check one)
_____ unlikely.

Parties agree to consent to binding arbitration pursuant to Local Rules 8.02(a)(3) and 8.05(b). _____ yes _____ no _____ likely to agree in future

Parties agree to participate in court annexed mediation as detailed in Chapter Nine of the Court's Local Rules. _____ yes _____ no _____ likely to agree in future

If yes, the order of referral described in Local Rule 9.04 should be entered by the court on _____ (date) designating _____ (name) to serve as mediator.

Parties agree to consent to trial presided over by United States Magistrate Judge.
_____ yes _____ no _____ likely to agree in the future

Parties intend to pursue the following other methods of alternative dispute resolution:

In accordance with Local Rule 3.05(c)(2)(C)(v), parties agree that if they do not report to the Court that the case has settled on or before _____ (date), parties will apply for an order invoking Court annexed arbitration (Chapter Eight of Local Rules) or Court annexed mediation (Chapter Nine of Local Rules) on that date.

9. Preliminary Pretrial Conference:
Track Three Cases: LocalRule 3.05(c)(3)(8) provides that preliminary pretrial conferences are mandatory in Track Three Cases.

Track Two Cases: Parties

_____ request (check one)

_____ do not request

a preliminary pretrial conference before entry of a Case Management and Scheduling Order in this Track Two case. Unresolved issues to be addressed at such a conference include:

10. Final Pretrial Conference and Trial: Parties agree that they will be ready for a final pretrial conference on or after _____ (date) and for a trial on or after _____ (date). Trial is expected to take approximately _____ days and the trial will be:

_____ jury

_____ non-jury

11. Pretrial Disclosures and Final Pretrial Procedures: Parties acknowledge that they are aware of and will comply with pretrial disclosures requirements in Fed. R. Civ. P. 26(a)(3) and final pretrial procedures requirements in Local Rule 3.06.

12. Other Matters:

Date: _____
Signature of Counsel (with information required
by Local Rule 1.05(d)) and Signature of
Unrepresented Parties.
