

1 **Rule 16. Pretrial conferences, ~~scheduling, and management conferences.~~**

2 (a) Pretrial conferences. ~~The~~ ~~In any action, the~~ court, in its discretion or upon motion
3 ~~of a party,~~ may direct the attorneys ~~and, when appropriate, for~~ the parties ~~and any~~
4 ~~unrepresented parties~~ to appear ~~before it for a conference or conferences before trial~~ for
5 such purposes as:

6 (a)(1) expediting the disposition of the action;

7 (a)(2) establishing early and continuing control so that the case will not be protracted
8 for lack of management;

9 (a)(3) discouraging wasteful pretrial activities;

10 (a)(4) improving the quality of the trial through more thorough preparation;

11 (a)(5) facilitating mediation or other ADR processes for the settlement of the case;

12 ~~and~~

13 (a)(6) considering all matters as may aid in the disposition of the case;:-

14 (a)(7) establishing the time to join other parties and to amend the pleadings;

15 ~~(b) Scheduling and management conference and orders. In any action, in addition to~~
16 ~~any other pretrial conferences that may be scheduled, the court, upon its own motion or~~
17 ~~upon the motion of a party, may conduct a scheduling and management conference.~~

18 ~~The attorneys and unrepresented parties shall appear at the scheduling and~~
19 ~~management conference in person or by remote electronic means. Regardless whether~~
20 ~~a scheduling and management conference is held, on motion of a party the court shall~~
21 ~~enter a scheduling order that governs the time:~~

22 ~~(b)(1) to join other parties and to amend the pleadings;~~

23 ~~(b)(2) (a)(8) establishing the time~~ to file motions; ~~and~~

24 ~~(b)(3) (a)(9) establishing the time~~ to complete discovery;:-

25 (a)(10) extending fact discovery;

26 ~~The scheduling order may also include:~~

27 ~~(b)(4) modifications of the times for disclosures under Rules 26(a) and 26(e)(1) and~~
28 ~~of the extent of discovery to be permitted;~~

29 ~~(b)(5) (a)(11) setting~~ the date ~~for pretrial and or dates for conferences before trial, a~~
30 final pretrial conferences ~~conference,~~ and trial; ~~and~~

31 (a)(12b)(6) provisions providing for the preservation, disclosure or discovery of
32 electronically stored information;

33 ~~(b)(7)~~ (a)(13) considering any agreements the parties reach for asserting claims of
34 privilege or of protection as trial-preparation material after production; and

35 ~~(b)(8)~~ (a)(14) considering any other ~~matters~~ appropriate matters in the circumstances
36 of the case.

37 (b) Trial settings. Unless ~~an~~the order sets the ~~date of~~ trial date, any party may and
38 the plaintiff shall, at the close of all discovery, certify to the court that discovery is
39 complete, that any required mediation or other ADR processes have been completed or
40 excused and that the case is ready for trial. The court shall schedule the trial as soon as
41 mutually convenient to the court and parties. The court shall notify parties of the ~~date of~~
42 trial date and of any final pretrial conference.

43 (c) **Final pretrial conferences.** The court, in its discretion or upon motion, may
44 direct the attorneys and, when appropriate, the parties to appear for such purposes as
45 settlement and trial management. The conferences. In any action where a final pretrial
46 conference has been ordered, it shall be held as close to the time of trial as reasonable
47 under the circumstances. The conference shall be attended by at least one of the
48 attorneys who will conduct the trial for each of the parties, and the attorneys attending
49 the pretrial, unless waived by the court, shall have available, either in person or by
50 telephone, the appropriate parties who have authority to make binding decisions
51 regarding settlement.

52 (d) **Sanctions.** If a party or a party's attorney fails to obey ~~an~~a scheduling or pretrial
53 order, if no appearance is made on behalf of a party or a party's attorney fails to attend
54 at a scheduling or pretrial conference, if a party or a party's attorney is substantially
55 unprepared to participate in ~~an~~the conference, or if a party or a party's attorney fails to
56 participate in good faith, the court, upon motion or its own initiative, may take any action
57 authorized by Rule 37(~~eb~~)(2).

58 **Advisory Committee Notes**

59 For the purposes of this rule, "ADR" is as defined in CJA Rule 4-510.

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