

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
JOSÉ R. ALMONTE
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING FEDERAL
BUILDING & COURTHOUSE BUILDING
50 WALNUT STREET
NEWARK, NJ 07102
973-645-3110

ORDER PURSUANT TO LOCAL CIVIL RULE 16.1

Unless otherwise ordered, the following shall apply to matters before the Honorable José R. Almonte, U.S.M.J. Failure to comply with the terms of this Order may result in the imposition of sanctions.

You shall participate in an Initial Scheduling Conference before U.S. Magistrate Judge José R. Almonte, pursuant to Federal Rule of Civil Procedure 16. The conference will be conducted either remotely (virtually or telephonically) or in person, as determined by the Court. If the conference is conducted remotely, the Court will provide the parties with connection information in advance. If the Court directs an in-person appearance, counsel shall appear at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Courtroom 4(d), Newark, New Jersey. Prior to the conference, the parties are directed to read the this Court's **Case Management Order**, which can be accessed through this link, <https://www.njd.uscourts.gov/sites/njd/files/JRAPreferences.pdf>, or by visiting the District of New Jersey's website, <https://www.njd.uscourts.gov>.

Counsel are advised that the early disclosure requirements of Federal Rule of Civil Procedure 26 will be enforced. Therefore, counsel shall immediately exchange the information set forth in Rule 26 without a formal discovery request.

At least **fourteen (14) days** prior to the Initial Scheduling Conference, counsel shall personally meet and confer pursuant to Rule 26(f) and **shall jointly submit a discovery plan to this Court not later than five (5) business days prior to the conference with the Court**. The parties shall submit a Joint Discovery Plan using the attached form available at:

https://www.njd.uscourts.gov/sites/njd/files/forms/R16DiscoveryPlan_1.pdf.

No formal discovery demands may be issued before the Initial Scheduling Conference, other than as permitted by Rule 26(d).

At the Initial Scheduling Conference, the Court will address scheduling of proposed motions. Importantly, the parties shall refer to the assigned U.S. District Judge's preferences prior to filing any motion that is to be decided by the U.S. District Judge, such as dispositive motions. As it relates to discovery-related motions before

this Court, no motions are to be filed without written permission from the Court, which, absent extenuating circumstances, will be permitted only after the parties have fully fulfilled their obligation under Local Civil Rules 16.1(f) and 37.1(a) to meet and confer in good faith to resolve any discovery disputes.

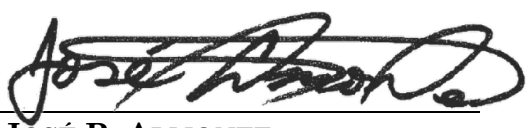
Counsel may file unopposed applications for *pro hac vice* admission. Counsel should obtain the consent of adverse parties prior to filing the application and shall advise, in both the cover letter and the proposed order, of such consent. In addition, counsel shall follow the requirements of Local Civil Rule 101.1(c) with regard to the contents of the proposed form of order and the supporting certifications of local counsel and each proposed *pro hac vice* attorney.

At the Initial Scheduling Conference, all parties who are not appearing *pro se* must be represented by counsel who shall have full authority to bind their clients in all pretrial matters. Counsel shall also be prepared to discuss the merits of the case and shall have settlement authority. Clients or persons with authority over the matter shall be available by telephone, unless otherwise directed by the Court. See L. Civ. R. 16.1(a).

Counsel for the plaintiff(s) shall notify any party who enters an appearance after the Initial Scheduling Conference is scheduled about this Order and shall forward to that party a copy of this Order.

The parties must advise this Court immediately if the action has been settled or terminated so that the Court may cancel the Initial Scheduling Conference.

SO ORDERED.



JOSÉ R. ALMONTE
UNITED STATES MAGISTRATE JUDGE

**ALTERNATIVE DISPUTE RESOLUTION IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Mediation is the Alternative Dispute Resolution (ADR) program in this Court. Mediation is governed by Local Civil Rule 301.1. The mediation program under this rule is supervised by a judicial officer (at present United States Magistrate Judge Leda Dunn Wettre) who is available to answer any questions about the program.

Any district judge or magistrate judge may refer a civil action to mediation. This may be done without the consent of the parties. However, the Court encourages parties to confer among themselves and consent to mediation. Moreover, you are reminded that, when counsel confer pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Civil Rule 26.1, one of the topics that must be addressed is the eligibility of a civil action for participation in ADR.

A civil action may be referred to mediation at any time. However, one of the advantages of mediation is that, if successful, it enables parties to avoid the time and expense of discovery and trial. Accordingly, the Court encourages parties to consent to mediation prior to or at the time that automatic disclosures are made pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

If parties consent to mediation, they may choose a mediator either from the list of certified mediators maintained by the Court or by the selection of a private mediator. If a civil action is referred to mediation without consent of the parties, the judicial officer responsible for supervision of the program will select the mediator.

Mediation is non-judgmental. The role of the mediator is to assist the parties in reaching a resolution of their dispute. The parties may confer with the mediator on an ex parte basis. Anything said to the mediator will be deemed to be confidential and will not be revealed to another party or to others without the party's consent. The mediator's hourly rate is \$300.00, which is borne equally by the parties.

If you would like further information with regard to the mediation program please review the Guidelines for Mediation, which are available on the Court's Web Site www.njd.uscourts.gov and appear as Appendix Q to the Local Civil Rules. You may also make inquiries of the judicial officer responsible for supervision of the program.