

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ALICIA WILMOTH on behalf of herself and)	
all others similarly situated,)	
BRANDON SCOTT,)	
ALBERT DIANA,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:21-cv-01507-TWP-MG
)	
STEAK N SHAKE, INC. an Indiana Corporation,)	
SARDAR BIGLARI,)	
)	
Defendants.)	

ORDER SETTING INITIAL PRE-TRIAL CONFERENCE

The above case is hereby assigned for an **INITIAL PRETRIAL CONFERENCE** on **WEDNESDAY, SEPTEMBER 1, 2021 at 3:00 p.m., Indianapolis Time (EST), TELEPHONIC**, before the Honorable Mario Garcia, United States Magistrate Judge. The information needed to participate in this telephonic conference will be provided by a separate notification.

Rule 26(f) conference

- An IPTC is not a substitute for the conference required by Fed. R. Civ. P. 26(f). In addition to and in advance of their submission of proposed case management plan (see below), counsel must confer and plan for discovery as required by Fed. R. Civ. P. 26(f)(2) and (3).
- The court will not require adherence to the conference timing provisions of Fed. R. Civ. P. 26(f)(1), so long as the conference is completed in addition to and in advance of submission of the proposed case management plan.
- Submission of a written report of the Rule 26(f) conference, as provided by section (f)(2), is not required, but counsel should expect to provide an oral report at the IPTC.

Proposed case management plan (“CMP”)

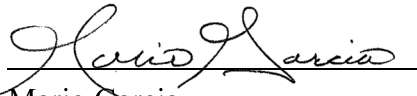
- No fewer than seven (7) days before the IPTC, counsel must file a Proposed CMP.
- The general format for the CMP is provided by the court’s uniform CMP, which can be found on the court’s website, www.insd.uscourts.gov/case-management-plans.
- The court encourages counsel to consider whether there are good reasons to depart from particular provisions of the uniform CMP and to frame a CMP appropriate for the case at hand.
- With regard to the discovery of electronically-stored information (“ESI”), every CMP must include, *at a minimum*, (1) a statement of the format in which ESI will be produced (including whether the production will include metadata), (2) a description of any other ESI issues the parties believe may be relevant to discovery in the case, and (3) a claw back provision.

Other matters for counsel to address with specificity at the IPTC

- All factual and legal matters pertinent to claims, defenses, and damages.
- The nature and scope of discovery, including any particular issues counsel anticipate.
- Settlement, including identification of discovery necessary for parties to evaluate the case for settlement purposes.
- When a substantial volume of ESI is expected, detailed consideration of related issues, including types, sources, preservation, accessibility, plan for collection, search protocol, management software, costs, and sequencing.
- Whether and how many expert witnesses will likely be used.
- The need for a stipulated protective order.

SO ORDERED.

Date: 7/7/2021


Mario Garcia
United States Magistrate Judge
Southern District of Indiana

Served electronically on all ECF-registered counsel of record.