

## **Optional Fast Track Procedure for Civil Cases Assigned to Judge DeGiusti**

With approval of the Court and agreement of all parties, civil cases may be made subject to the “fast track” procedure set forth herein. The fast track procedure is made available to the parties in order to provide alternatives which may reduce the costs and time involved in federal civil litigation.

**1. Selection of Fast Track Procedure.** Counsel and all parties are to agree to the selection of this procedure at or prior to the first status/scheduling conference, or within 7 days thereafter. Selection of the procedure will be documented as a matter of record in the case, and shall be in substantially the form appended hereto. Once such selection has been approved by the Court, the case will be subject to the procedure set forth herein unless otherwise ordered by the Court.

**2. Scheduling and Trial Date.** Fast track cases will be assigned a “firm” trial date (jury or non-jury, in accordance with the particular case) approximately 180 days, or less as appropriate, from the date of the Court’s approval of the selection of the track. The case will not be on a trailing docket, and the trial date will constitute a special setting which will normally be during the last week of the trial docket month.<sup>1</sup>

**2.1. Discovery Period.** There will be 120 days allowed for discovery, unless a shorter period is agreed to by the parties. The Scheduling Order will reflect deadlines based on the 120 day discovery period.

**2.2. Extensions of Deadlines.** Extensions are strongly discouraged, and in any event will be limited to one extension of the Scheduling Order deadlines not to exceed 7 days.

**3. Limitations on Discovery.** The following discovery limitations will apply:

**3.1.** No more than 5 depositions shall be taken by any party. Depositions shall be limited to 5 hours each, except for expert witness depositions, which shall be limited to 6 hours.

**3.2.** Interrogatories and requests for admissions shall each be limited in number to 20.

**3.3.** Requests for production shall be limited in number to 30. Documents are to be produced or inspection allowed within 7 days of the service of responses.

**4. Certain Motion Practice Waived or Restricted.** Parties selecting this procedure

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<sup>1</sup>In the event of a scheduling conflict between two or more fast track cases, the lower numbered case will be given priority, and the other case(s) will be moved to the next available trial date.

## Fast Track Procedure (cont.)

waive the right to file or obtain a ruling on motions to dismiss.<sup>2</sup> Briefs in support of motions for summary judgment and *Daubert* motions, and response briefs, are limited to 25 pages in length. Evidentiary attachments to such motions are to be limited to include only material strictly necessary to the determination of the motion; only relevant portions of deposition transcripts are to be provided. Reply briefs will not be allowed without leave of Court, and when allowed will be limited to 5 pages.

**5. Limitation on Discovery Motions.** No party may assert more than one motion to compel related to all discovery matters. Any such motion must be filed no later than 30 days before the end of the discovery period. All Federal Rules of Civil Procedure and Local Civil Rules concerning discovery disputes apply.

**6. Limitation on Expert Witnesses.** Absent leave of Court, parties are limited to one expert witness; even when leave is granted, under no circumstances will a party be allowed to list more than two expert witnesses in cases subject to this track.

**7. Limitation on Trial Time:** Unless otherwise ordered by the Court on a showing of good cause, all plaintiffs and all defendants will be limited to no more than two trial days per side for the presentation of the case, with ½ day per side reserved for rebuttal, as appropriate. Other, or more extensive, restrictions may be ordered by the Court in appropriate cases.

**8. Settlement Conference.** A judicial settlement conference will be required for all cases which are subject to this track. The parties may engage in other forms of ADR as in any other case.

## **9. Optional Stipulations.**

9.1. The parties may stipulate to a maximum and minimum award for all claims (a “high/low” agreement), including attorneys fees, if applicable. If such an agreement is reached, the final judgement entered in the case will correspond to the agreement, or to any amount between the maximum and minimum, as appropriate.

9.2. The parties may stipulate that there will be no appeal from the final judgment.

**10. Applicable Rules.** All Federal Rules of Civil Procedure and Local Civil Rules apply to cases subject to this track except as modified by the rules set forth herein.

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<sup>2</sup>This waiver will not apply to motions to dismiss based on lack of subject matter jurisdiction. However, the assertion of such a motion will remove the case from this track.

Fast Track Procedure (cont.)

11. **Escape Clause.** A party may seek leave of Court to withdraw from the application of the Fast Track Procedure and its rules. However, such motions are discouraged and will be granted only upon a showing of good cause.

**FORM FOR  
AGREEMENT AND STIPULATION OF ALL PARTIES ADOPTING  
THE "OPTIONAL FAST TRACK PROCEDURE"**

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

_____	)	
Plaintiff(s)	)	
	)	
v.	)	CIV- _____ - D
	)	
_____	)	
Defendant(s)	)	

AGREEMENT AND STIPULATION OF ALL PARTIES  
ADOPTING THE "OPTIONAL FAST TRACK PROCEDURE"

ALL PARTIES HEREBY AGREE AND STIPULATE that this case shall be subject to the Court's Optional Fast Track Procedure, and all the rules, limitations, and restrictions applicable thereto, as set forth in the Exhibit attached to this Agreement and Stipulation. The parties further acknowledge that the Federal Rules of Civil Procedure and this Court's Local Civil Rules also apply to this case except to the extent altered by the Optional Fast Track Procedure set forth in the Exhibit attached hereto and incorporated herein.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
PLAINTIFF(S)

\_\_\_\_\_  
ATTORNEY(S) FOR PLAINTIFF(S)

\_\_\_\_\_  
DEFENDANT(S)

\_\_\_\_\_  
ATTORNEY(S) FOR DEFENDANT(S)

APPROVED AND ORDERED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE