

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jane Doe 1, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

JPMorgan Chase Bank, N.A.,

Defendant/Third-Party Plaintiff,

v.

James Edward Staley,

Third-Party Defendant.

Government of the United States Virgin
Islands,

Plaintiff,

v.

JPMorgan Chase Bank, N.A.,

Defendant/Third-Party Plaintiff,

v.

James Edward Staley,

Third-Party Defendant.

**SECOND REVISED CIVIL
CASE MANAGEMENT PLAN
(JUDGE RAKOFF)**

Case No. 1:22-CV-10019 (JSR)

Case No. 1:22-CV-10904 (JSR)

This Court has set this case for trial on 10-23-2023.

After consultation with counsel for the parties, the following Second Amended Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

- A. The case is to be tried to a jury.
- B. Answer. Defendant JP Morgan's answer to Plaintiff's First Amended Complaint must be filed by April 10, 2023.
- C. Third-Party Defendant James Edward Staley's Answer to JP Morgan's Complaint must be filed by June 7, 2023.
- D. Discovery (in addition to the disclosures required by Fed. R. Civ. P. 26(a)):
 - 1. Documents. Further document requests may be served as required, but no document request may be served later than 30 days prior to the date of the close of discovery as set forth in item 4 below.
 - 2. Interrogatories. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York must be served by or on Third-Party Defendant James Edward Staley by April 7, 2023. No other interrogatories are permitted except upon prior express permission of Judge Rakoff. No Rule 33.3(a) interrogatories need be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).
 - 3. Requests to Admit. Requests to Admit, if any, must be served by April 7, 2023.
 - 4. All fact discovery (including depositions of fact witnesses) by all parties except James Edward Staley is to be completed by May 30, 2023. James Edward Staley's fact discovery (including depositions of fact witnesses) is to be completed by July 18, 2023. Depositions shall proceed concurrently, with no party having priority, and no deposition shall extend beyond one business day without prior leave of the Court. With respect to any witness deposed before March 16, 2023, counsel for James Edward Staley is permitted to take an additional deposition of that witness not to exceed five hours on the record. With respect to any witness deposed between March 16, 2023 and April 24, 2023, counsel for third-party defendant James Edward Staley is permitted to take an additional telephonic deposition, not to exceed two hours, provided that counsel for Mr. Staley gives notice no later than May 8, 2023. Per prior orders of the Court, counsel for James Edward Staley is also permitted to take additional depositions, not to exceed five hours each, of William Langford and Stephen Cutler before the end of James Edward Staley's fact discovery period.
 - 5. Experts. Every party proponent of a claim (including any counterclaim or cross-claim but not including third-party claims) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ.P. 26(a)(2) by June 16, 2023. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by June 23, 2023. Every party proponent of a third-party claim that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by July 25, 2023. Every party opponent of a third-party claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by August 1, 2023. No expert testimony (whether designated as "rebuttal" or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the

immediately preceding sentence. All experts may be deposed, but such depositions must occur within the time limit for all expert depositions set forth below.

6. Expert Depositions. Except for experts offered in support or opposition to third-party claims, all expert depositions (and all expert discovery) must be completed by June 30, 2023. All expert depositions (and all expert discovery) respecting any third-party claims must be completed by August 8, 2023.

E. Class Certification

1. Experts. Initial class certification expert reports are due by March 1, 2023; rebuttal expert reports are due by April 13, 2023; and reply expert reports are due by April 24, 2023.
2. Motions. Any motion in support of class certification shall be filed by April 28, 2023; opposition papers shall be filed by May 12, 2023; and reply papers, if any, shall be filed by May 19, 2023. The Court will hold oral argument on the class certification motion(s) on May 26, 2023 at 2:00 p.m. in Courtroom 14B, 500 Pearl Street.

F. Post-discovery summary judgment motions (except as respecting third-party claims) in the form prescribed by the Court's Individual Rules of Practice may be brought on without further consultation with the Court provided that a Notice of any such motion, in the form specified in the Court's Individual Rules of Practice, is filed no later than one week following the close-of-expert-discovery date and provided that the moving papers are served by July 3, 2023, answer papers by July 17, 2023, and reply papers by July 24, 2023. Post-discovery summary judgment motions respecting third-party claims may be brought without further consultation with the Court provided that a Notice of any such motion, in the form specified in the Court's Individual Rules of Practice, is filed no later than one week following the close-of-expert-discovery date for third-party claims and provided that the moving papers are served by August 15, 2023, answer papers by August 31, 2023, and reply papers by September 7, 2023. Each party must file its respective papers with the Clerk of the Court on the same day that such papers are served. Additionally, on the same date that any papers are served and filed, counsel filing and serving the papers must arrange to deliver courtesy non-electronic hard copies to the Courthouse for delivery to Chambers.

G. A final pre-trial conference, as well as oral argument on any post-discovery summary judgment motions (except as to third-party claims), shall be held on July 28, 2023 at 2:00 p.m., at which time the Court shall set a firm trial date. Oral argument on any post-discovery summary judgment motions respecting third-party claims shall be held on September 14, 2023 at 4:00 p.m. The timing and other requirements for the Joint Pretrial Order and/or other pre-trial submissions shall be governed by the Court's Individual Rules of Practice.

H. All motions and applications shall be governed by Judge Rakoff's Individual Rules of Practice. Counsel shall promptly familiarize themselves with all of the Court's Individual Rules, as well as with the Local Rules for the United States District Court for the Southern District of New York.

SO ORDERED.

DATED: New York, New York

6/6/23



JED S. RAKOFF
U.S.D.J.