



APPENDIX OF FORMS

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
_____ DIVISION**

_____	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No. _____
	:	
_____	:	
	:	
Defendant.	:	

**CERTIFICATE OF COUNSEL
REFILED OR RELATED CASES
S.D. Ga. LR 3.1**

Pursuant to the Local Rules of this Court, I hereby certify that this is a refiled case which involves substantially the same issues or parties as in the case of _____, plaintiff vs. _____, defendant, Civil Action No. _____, or that this case relates to property included in, involves the same issues appearing in, or grows out of the same transaction involved in a case already pending in _____ Court, captioned _____, plaintiff, vs. _____ defendant, Civil Action No. _____.

This ____ day of _____, 20__.

Name
Attorney for _____

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA**

____ DIVISION

vs. _____ :
: CASE NO. _____
_____ :

**DISCLOSURE STATEMENT
S.D. Ga. LR 7.1.1**

The undersigned, counsel of record for _____, certifies that the following is a full and complete list of the parties in this action:

Name	Identification & Relationship
------	-------------------------------

The undersigned further certifies that the following is a full and complete list of officers, directors, or trustees of the above-identified parties:

Name	Identification & Relationship
------	-------------------------------

The undersigned further certifies that the following is a full and complete list of other persons, firms, partnerships, corporations, or organizations that have a financial interest in, or another interest which could be substantially affected by, the outcome of this case (including a relationship as a parent or holding company or any publicly-held corporation that holds 10% or more of a party's stock):

Name	Identification, Relationship & Interests
------	--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

_____ DIVISION

vs. _____ :
: CASE NO. _____
_____ :

RICO STATEMENT
S.D. Ga. LR 9.1

This statement includes the facts the plaintiff is relying upon to initiate this RICO complaint as a result of the "reasonable inquiry" required by Federal Rule of Civil Procedure 11.

1. State whether the alleged unlawful conduct is in violation of 18 U .S.C. § 1962(a), (b), (c) and/or (d).
2. List each defendant and state the alleged misconduct and basis of liability of each defendant.
3. List the alleged wrongdoers, other than the defendants listed above, and state the alleged misconduct of each wrongdoer.
4. List the alleged victims and state how each victim was allegedly injured.
5. Describe in detail the pattern of racketeering activity or collection of unlawful debts alleged for each RICO claim. A description of the pattern of racketeering shall include the following information:
 - (a) List the alleged predicate acts and the specific statutes which were allegedly violated;

(b) Provide the dates of the predicate acts, the participants in the predicate acts and a description of the facts surrounding the predicate acts;

(c) If the RICO claim is based on the predicate offenses of wire fraud, mail fraud or fraud in the sale of securities, the "circumstances constituting fraud or mistake shall be stated with particularity." Fed. R. Civ. P. 9(b). Identify the time, place and content of the alleged misrepresentations and the identity of persons to whom and by whom the alleged misrepresentations were made;

(d) State whether there has been a criminal conviction for violation of the predicate acts;

(e) State whether civil litigation has resulted in a judgment in regard to the predicate acts;

(f) Describe how the predicate acts form a "pattern of racketeering activity";
and

(g) State whether the alleged predicate acts relate to each other as part of a common plan. If so, describe in detail.

6. Describe in detail the alleged enterprise for each RICO claim. A description of the enterprise shall include the following information:

(a) State the names of the individuals, partnerships, corporations, associations or other legal entities which allegedly constitute the enterprise;

(b) Describe the structure, purpose, function and course of conduct of the enterprise;

(c) State whether any defendant is an employee, officer or director of the alleged enterprise;

(d) State whether any defendant is associated with the alleged enterprise;

(e) State whether you are alleging that the defendants are individuals or entities separate from the alleged enterprise or that the defendants are the enterprise itself, or members of the enterprise; and

(f) If any defendant is alleged to be the enterprise itself, or members of the enterprise, explain whether such defendants are perpetrators, passive instruments or victims of the alleged racketeering activity.

7. State and describe in detail whether you are alleging that the pattern of racketeering activity and the enterprise are separate or have merged into one entity.

8. Describe the alleged relationship between the activities of the enterprise and the pattern of racketeering activity. Discuss how, if at all, the racketeering activity differs from the usual and daily activities of the enterprise.

9. Describe what benefits, if any, the alleged enterprise receives from the alleged pattern of racketeering.

10. Describe the effect of the activities of the enterprise on interstate or foreign commerce.

11. If the complaint alleges a violation of 18 U.S.C. § 1962(a), provide the following information:

(a) State who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt; and

(b) Describe the use or investment of such income.

12. If the complaint alleges a violation of 28 U.S.C. § 1962(b), describe in detail the

acquisition or maintenance of any interest in or control of the alleged enterprise.

13. If the complaint alleges a violation of 18 U.S.C. § 1962(c), provide the following information:

(a) State who is employed by or associated with the enterprise; and

(b) State whether the same entity is both the liable "person" and the "enterprise" under § 1962(c).

14. If the complaint alleges a violation of 18 U.S.C. § 1962(d), describe in detail the alleged conspiracy.

15. Describe the alleged injury to business or property.

16. Describe the direct causal relationship between the alleged injury and the violation of the RICO statute.

17. List the damages sustained for which each defendant is allegedly liable.

18. List all other federal causes of action, if any, and provide the relevant statute numbers.

19. List all pendent state claims, if any,

20. Provide any additional information that you feel would be helpful to the Court in processing your RICO claim.

This _____ day of _____, 20__

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
_____ DIVISION**

_____	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No. _____
	:	
_____	:	
	:	
Defendant.	:	

**NOTICE OF ALTERNATIVE DISPUTE RESOLUTION
and
CASE MANAGEMENT PROCEDURES**

(LITIGANTS' BILL OF RIGHTS)

S.D. Ga. LR 16.7

Litigants in this Court may wish to utilize procedures that are available to assist the speedy and efficient resolution of civil cases. This notice **must** be furnished by plaintiff's counsel to his client and served with the complaint upon all defendants. Counsel for each party represented shall ensure that the notice is filled out, signed by the party, and returned to the Clerk's office (1) by counsel for the plaintiff within 15 days of filing the complaint, and (2) by counsel for the defendant with the answer or other responsive pleading.

Notice to Parties and Counsel

1. If all parties in a case elect to do so, a civil case in this Court can be referred to non-binding mediation. The purpose of such is to assist the parties in understanding the strengths and weaknesses of their respective positions and to facilitate settlement.

Do you wish to use such a procedure and for your lawyer to meet with opposing counsel and a Judge of this Court to establish a mediation plan for this case?

(answer yes or no)

2. If the parties in a case elect to do so, a civil case in this Court can be referred to

binding or non-binding arbitration. In some instances, arbitration may be quicker, cheaper, and less formal than litigation. Its outcome can be binding or purely advisory, depending on the parties' agreement. The parties can also agree to tailor the rules of procedure.

Do you wish to consider such a procedure and for your lawyer to meet with opposing counsel and a Judge of this Court to establish an arbitration plan for this case?

(answer yes or no)

3. If all parties in a case consent and the Court concurs, the right to proceed before a United States District Judge may be waived, and the case can be presided over by a United States Magistrate Judge.

Would you like to **consider** use of a Magistrate Judge and receive more information on this alternative?

(answer yes or no)

4. After the complaint and answer are filed in a case, the rules of this Court normally allow four (4) months for the completion of discovery. If discovery continues for a longer period of time, it will be because the attorneys have requested an extension of time from the Court.

5. If justified by the complexity or difficulty of a case, the Court will consider the entry of a special case management order. After hearing from the parties, this order would supersede the Local Rules and provide new dates for the different aspects of discovery,

amendments to the pleadings, the filing of motions, conferences with the Court, and preparation for the ultimate pretrial order and trial of the case.

The lawyers for all of the parties are encouraged to consult concerning the need for such a case management order.

6. At the completion of discovery and before trial, each party will be required to participate in the filing of a pretrial order. In most cases, there will also be a pretrial conference with the presiding Judge. At the conference, the Court will inquire about the prospects for settlement of the case. Normally the Court will require the client to be present in person or by telephone.

By Order of the Court.

Clerk of Court

I have reviewed with my attorney the above notice and have indicated my desired responses to paragraphs 1, 2, and 3.

This _____ day of _____, 20__.

Name and signature of party or Representative

Certificate of Counsel

I have furnished a copy of this notice to the party represented by me (including any insurance company assisting with the cost of defense) and discussed with my client responses to paragraphs 1, 2, and 3 which have been noted. I have also served opposing counsel with a copy

of this completed notice.

This _____ day of _____, 20__.

Attorney for _____

NOTE: If there is unanimity among the parties that the case should be referred to mediation, arbitration, or a Magistrate Judge, counsel for the plaintiff shall so notify the Clerk, who will then inform the presiding District Judge of the parties' interest in one or more of these procedures.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
_____ DIVISION**

)	
)	
Plaintiff)	
)	
v.)	Case No.
)	
)	
)	
Defendant)	

RULE 26(f) REPORT

1. Date of Rule 26(f) conference: _____

2. Parties or counsel who participated in conference:

3. If any defendant has yet to be served, please identify the defendant and state when service is expected.

4. Date the Rule 26(a)(1) disclosures were made or will be made:

5. If any party objects to making the initial disclosures required by Rule 26(a)(1) or proposes changes to the timing or form of those

disclosures,

(a) Identify the party or parties making the objection or proposal:

(b) Specify the objection or proposal:

6. The Local Rules provide a 140-day period for discovery. If any party is requesting additional time for discovery,

(a) Identify the party or parties requesting additional time:

(b) State the number of months the parties are requesting for discovery:

_____ months

(c) Identify the reason(s) for requesting additional time for discovery:

_____ Unusually large number of parties

_____ Unusually large number of claims or defenses

_____ Unusually large number of witnesses

_____ Exceptionally complex factual issues

_____ Need for discovery outside the United States

_____ Other: _____

(d) Please provide a brief statement in support of each of the reasons identified above:

7. If any party is requesting that discovery be limited to particular issues or conducted in phases, please

(a) Identify the party or parties requesting such limits:

(b) State the nature of any proposed limits:

8. The Local Rules provide, and the Court generally imposes, the following deadlines:

Last day for filing motions to add or join parties or amend pleadings 60 days after issue is joined

Last day to furnish expert witness reports and disclosures by plaintiff	60 days after Rule26(f) conference
Last day to furnish expert witness reports and disclosures by defendant	90 days after Rule 26(f) conference (or 60 days after the answer, whichever is later)
Last day to file motions	30 days after close of discovery

If any party requests a modification of any of these deadlines,

(a) Identify the party or parties requesting the modification:

(b) State which deadline should be modified and the reason supporting the request:

9. If the case involves electronic discovery,

(a) State whether the parties have reached an agreement regarding the preservation, disclosure, or discovery of electronically stored information, and if the parties prefer to have their agreement memorialized in the scheduling order,

briefly describe the terms of their agreement:

- (b) Identify any issues regarding electronically stored information as to which the parties have been unable to reach an agreement:

10. If the case is known to involve claims of privilege or protection of trial preparation material,

- (a) State whether the parties have reached an agreement regarding the procedures for asserting claims of privilege or protection after production of either electronic or other discovery material:

- (b) Briefly describe the terms of any agreement the parties wish to have memorialized in the scheduling order (or attach any separate proposed order which the parties are requesting the Court to enter addressing such matters):

- (c) Identify any issues regarding claims of privilege or protection as to which the parties have been unable to reach an agreement:

11. State any other matters the Court should include in its scheduling order:

12. The parties certify by their signatures below that they have discussed the nature and basis of their claims and defenses and the possibilities for prompt settlement or resolution of the case. Please state any specific problems that have created a hindrance to the settlement of the case:

This _____ day of _____, 20__.

Signed: _____
Attorney for Plaintiff

Attorney for Defendant