

I. Agenda Omitted

Pursuant to the Notice of Scheduling Conference, the Parties have omitted the agenda otherwise required by L.R. 16.1(B)(1).

II. Electronically Stored Information

The Parties agree that discovery in this case will include electronically stored information (“ESI”), and they agree to work cooperatively to reach mutually acceptable protocols and standards for the production of ESI in this case.

III. Changes to Rule 26(a) Disclosures

The Parties agree to exchange initial disclosures by December 4, 2024.

IV. Proposed Pretrial Schedule and Discovery Plan

Counsel for the Parties have conferred and reached agreement on the following case schedule, except as otherwise noted. The Parties agree that phasing of discovery is not necessary.

Event	Deadline
Fact Discovery	
Initial disclosures	December 4, 2024
Amendments to the pleadings	Except for good cause shown, no motions seeking to leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed after January 31, 2025
All requests for production of documents and interrogatories shall be served no later than	[Plaintiff’s Proposal]: April 18, 2025 [Defendants’ Proposal]: February 14, 2025
All requests for admission shall be served no later than	[Plaintiff’s Proposal]: May 30, 2025 [Defendants’ Proposal]: April 18, 2025
Last day for fact witness depositions	July 18, 2025
Completion of fact discovery	July 18, 2025
Expert Discovery	

Designation of experts and information contemplated by Rule 26(a)(2) by party bearing burden	July 23, 2025
Designation of rebuttal experts and information contemplated by Rule 26(a)(2)	August 15, 2025
Completion of expert depositions and discovery	September 5, 2025
Dispositive Motions	
Motions for summary judgment	October 3, 2025
Oppositions to dispositive motions	October 31, 2025
Reply memoranda	November 21, 2025
Trial	
Trial	The Parties will be ready for trial by Monday, February 23, 2026, subject to the Court's availability or within 120 days of a decision by the Court to deny summary judgment, if any, which ever date is later.

V. Additional Discovery to Proceed Pursuant to Default Rules

The Parties agree to abide by the default rules with regard to depositions, interrogatories, requests for production and requests for admission, as set forth in Rules 30, 33, 34, and 36 of the Federal Rules of Civil Procedure, respectively.

VI. Trial-Preparation Materials and Privileged Information

The Parties anticipate that discovery may include sensitive and confidential materials for which it may be necessary to seek permission to file under seal pursuant to Local Rule 7.2. The Parties agree to work cooperatively to reach a mutual agreement on any proposed protective order to protect certain confidential information. The parties plan to jointly file a proposed order for the Court's consideration.

VII. Modification of Scheduling Order

Each Party reserves the right to seek modification of the schedule at any time in accordance with L.R. 16.1(g).

VIII. Reassignment to a Magistrate Judge

The parties do not consent to reassignment of this case to a magistrate judge.

IX. Settlement Offer

Plaintiff submitted a settlement demand to Defendants on October 29, 2024. Defendants provided a written response to Plaintiff on November 13.

X. Certifications Signed by the Parties and Counsel

- a. Plaintiff's Certification: Exhibit A constitutes a certification by Plaintiff Francesca Gino and her counsel that they have conferred: (a) with a view to establishing a budget for the cost of conducting the full-course and various alternative courses of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs, including those outlined in L.R. 16.4.
- b. Defendants' Certification: Exhibit B constitutes a certification by Defendants President and Fellows of Harvard College and Srikant Datar and their counsel that they have conferred: (a) with a view to establishing a budget for the cost of conducting the full-course and various alternative courses of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs, including those outlined in L.R. 16.4.

XI. Alternative Dispute Resolution

The Parties do not consent to alternative dispute resolution at this time.

Dated: November 13, 2024

Respectfully submitted,

/s/ Julie A. Sacks, Esq.

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(*pro hac vice*)

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*Counsel for Defendants President and
Fellows of Harvard College and Srikant
Datar*

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2024, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: November 13, 2024

/s/ Douglas E. Brayley

Douglas E. Brayley

Exhibit A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

_____)	
FRANCESCA GINO,)	
)	
Plaintiff,)	
v.)	
)	
PRESIDENT AND FELLOWS OF)	
HARVARD COLLEGE, SRIKANT DATAR)	Case No. 1:23-cv-11775-MJJ
AND JANE DOES 1-10,)	
)	
Defendants.)	
)	
)	
)	
)	
_____)	

EXHIBIT A TO JOINT STATEMENT PURSUANT TO RULE 26(f) AND L.R. 16.1

PLAINTIFF FRANCESCA GINO’S CERTIFICATION UNDER LR 16.1(d)(3)

Under L.R. 16.1(d)(3), this is to certify that Plaintiff Francesca Gino has conferred with her counsel:

- (a) with a view to establishing a budget for the costs of conducting the full course—and various alternative courses—of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

Dated: November 13, 2024

Signed by:


 Plaintiff Francesca Gino

/s/ Julie A. Sacks, Esq.

 Julie A. Sacks, Esq.

Exhibit B

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

_____)	
FRANCESCA GINO,)	
)	
Plaintiff,)	
v.)	
)	
PRESIDENT AND FELLOWS OF)	Case No. 1:23-cv-11775-MJJ
HARVARD COLLEGE, SRIKANT DATAR)	
AND JANE DOES 1-10,)	
)	
Defendants.)	
)	
)	
)	
)	
)	
_____)	

EXHIBIT B TO JOINT STATEMENT PURSUANT TO RULE 26(f) AND L.R. 16.1
DEFENDANTS PRESIDENT AND FELLOWS OF HARVARD COLLEGE AND
SRIKANT DATAR’S CERTIFICATION UNDER LR 16.1(d)(3)

Under L.R. 16.1(d)(3), this is to certify that Defendants President and Fellows of Harvard College and Srikant Datar’s counsel have conferred with their counsel:

- (a) with a view to establishing a budget for the costs of conducting the full course—and various alternative courses—of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

Dated: November 13, 2024

/s/ S.M. Datar
*Defendant President and Fellows of Harvard
College*

/s/ S.M. Datar
Defendant Srikant Datar

Respectfully submitted,

/s/ Douglas E. Brayley
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