

Parties may use the ESTTA "Consent Motions (opposition or cancellation)" filing option regardless of whether the proceeding commenced before November 1, 2007 (prior Rules), or on/after November 1, 2007 ("New" or "Amended" Rules). **HOWEVER**, to prevent the ESTTA system from generating an order containing a deadline or schedule contrary to the parties' intentions, please read the **IMPORTANT USER GUIDELINES** set forth below. (Updated **11/20/2008**)

When ESTTA filers use the "Consent Motions" filing option, the resulting order issued by ESTTA should be checked carefully to ensure that the parties receive the new deadline or schedule they anticipated when making the filing. If any deadline or dates in the resulting order do not comport with the parties' expectations or create uncertainty about the schedule for the case, then the parties should strongly consider filing a superseding stipulation or agreed motion through the "Opposition, Cancellation or Concurrent Use (general filings)" filing option. The "General Filings" option can always be used when the parties wish to be very particular about agreed deadlines or schedules, and should be used when the ESTTA "Consent Motions" filing option does not result in the new deadline or schedule to which the parties agreed.

[I. How do I file a Consent Motion for suspension for settlement when the next deadline is other than the due date for "Initial Disclosures"?](#)

Currently, under "New Rules" cases, parties cannot extend the time to comply with the next deadline in the current proceeding schedule AND suspend for settlement in one ESTTA consent motion filing, because ESTTA will issue a form order that provides, upon resumption, only the number of days that *currently* remain to comply with the next deadline.

Example: Filing a consent motion to suspend for settlement 1 day before an answer is due will result in an order resetting the answer due date to 1 day after resumption.

Guideline: FIRST file a consent motion to extend the time remaining to comply with the next deadline, WAIT to receive an order granting the extension, THEN file a consent motion to suspend. Note, however, that this option cannot be used when the next deadline is for initial disclosures (see below).

II. How do I file a Consent Motion to extend or suspend when the next deadline is the due date for "Initial Disclosures"?

Guideline: **DO NOT** use the ESTTA "Consented Motions" option. Instead, use the ESTTA "General Filings" option and include a proposed schedule (in the same format as the Board's institution order) with the desired new initial disclosure deadline, and all subsequent deadlines.

III. How do I file a Consent Motion to extend when the next deadline is the expert disclosure deadline?

Guideline: To use the ESTTA "Consented Motions" filing option to extend the expert disclosure deadline, the parties will have to input the next deadline as the close of discovery. When ESTTA resets the closing date for discovery, it will automatically reset the expert disclosure deadline.

IV. How do I file a Consent Motion to extend when the next deadline is a pretrial disclosure deadline?

Guideline: To use the ESTTA "Consented Motions" filing option to extend a pretrial disclosure deadline, the parties will have to input the next deadline as the close of the testimony period which would follow that pretrial disclosure deadline. When ESTTA resets the closing date of that testimony period it will automatically reset the corresponding pretrial disclosure deadline for that testimony period.