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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

,  
  
Plaintiff(s),  
  
v.  
  
,  
  
Defendant(s).

No.  
**CASE MANAGEMENT ORDER**

On \_\_\_\_\_, the Court held a Case Management Conference pursuant to Rule 16(b) of the Federal Rules of Civil Procedure.<sup>1</sup> The parties met before the conference in accordance with Rule 26(f) and prepared a Case Management Report. The Court enters this Case Management Order on the basis of the Case Management Conference and the Case Management Report.

**IT IS ORDERED** that the parties shall comply with the following deadlines:

1. Mandatory Initial Discovery Pilot Project. This case is subject to the Mandatory Initial Discovery Pilot Project (“MIDP”) implemented by General Order 17-08. The parties must comply with the requirements of the MIDP, and need not make the initial disclosures required by Federal Rule of Civil Procedure 26(a)(1). If the parties have not already exchanged the discovery responses required by the MIDP, they must exchange those by \_\_\_\_\_.

<sup>1</sup> All references to rules are to the Federal Rules of Civil Procedure, unless otherwise noted.

1           2.     Deadline for Joining Parties and Amending Pleadings. Motions to join  
2 parties or for leave to amend pleadings shall be filed within sixty days of this Order.

3           3.     Discovery Limitations. Depositions in this case are limited to seven hours  
4 each as provided in Rule 30(d)(1). The number of depositions and interrogatories are  
5 governed by the limits in Rules 30 and 33. Therefore, each party is limited to ten  
6 depositions and twenty-five interrogatories, including subparts. The procedures for  
7 requests for admissions and requests for production in Rules 34 and 36 are modified to  
8 limit each party to forty requests for production of documents, including subparts, and  
9 forty requests for admissions, including subparts. The limitations in this paragraph may  
10 be increased by mutual agreement of the parties, but such an increase will not result in an  
11 extension of the discovery deadlines set forth below.

12           4.     MIDP Responses and Fact Discovery. The deadline for final  
13 supplementation of MIDP responses and the completion of fact discovery, including  
14 discovery by subpoena, shall be\_\_\_\_\_.<sup>2</sup> To ensure compliance with this  
15 deadline, the following rules shall apply:

16           a.     Depositions: All depositions shall be scheduled to commence at  
17 least five working days before the discovery deadline. A deposition commenced five  
18 days before the discovery deadline may continue up until the deadline, as necessary.

19           b.     Written Discovery: All interrogatories, requests for production of  
20 documents, and requests for admissions shall be served at least forty-five days before the  
21 discovery deadline.

22           c.     Notwithstanding LRCiv 7.3, the parties may mutually agree, without  
23 Court approval, to extend the time provided for discovery responses in Rules 33, 34,  
24

25 \_\_\_\_\_

26           <sup>2</sup> The parties should review carefully General Order 17-08, which implements the  
27 MIDP. It requires parties to timely supplement their MIDP responses as new information  
28 is discovered. Parties who fail to timely disclose relevant information will be precluded  
from using it in the case and may be subject to other sanctions. Parties who unreasonably  
postpone disclosure of relevant information to the end of the discovery period will also be  
subject to sanctions.

1 and 36. Such agreed-upon extensions, however, will not alter or extend the discovery  
2 deadlines set forth in this Order.

3 5. Deadlines for Disclosure of Experts and Completion of Expert Discovery.

4 a. The Plaintiff(s) shall provide full and complete expert disclosures as  
5 required by Rule 26(a)(2)(A)-(E) no later than \_\_\_\_\_.

6 b. The Defendant(s) shall provide full and complete expert disclosure  
7 as required by Rule 26(a)(2)(A)-(E) no later \_\_\_\_\_.

8 c. Rebuttal expert disclosure, if any, shall be made no later than  
9 \_\_\_\_\_. Rebuttal experts are limited to responding to opinions stated by initial  
10 experts.

11 d. Expert depositions shall be completed no later than  
12 \_\_\_\_\_. As with fact witness depositions, expert depositions shall be  
13 scheduled to commence at least five working days before the deadline.

14 e. Disclosures under Rule 26(a)(2)(A) must include the identities of  
15 treating physicians and other witnesses who will provide testimony under Rules 702, 703,  
16 or 705 of the Federal Rules of Evidence, but who are not required to provide expert  
17 reports under Rule 26(a)(2)(B). Rule 26(a)(2)(C) disclosures are required for such  
18 witnesses on the dates set forth above. Rule 26(a)(2)(C) disclosures must identify not  
19 only the subjects on which the witnesses will testify, but must also provide a summary of  
20 the facts and opinions to which the expert will testify. The summary, although not as  
21 detailed as a Rule 26(a)(2)(B) report, must be sufficiently detailed to provide fair notice  
22 of what the expert will say.<sup>3</sup>

23 f. An expert witness who has not been timely disclosed will not be  
24 permitted to testify unless the party offering such witness demonstrates that: (a) the  
25 \_\_\_\_\_

26 <sup>3</sup> A “treating physician is only exempt from Rule 26(a)(2)(B)’s written report  
27 requirement to the extent that his opinions were formed during the course of treatment.”  
28 *Goodman v. Staples The Office Superstore, LLC*, 644 F.3d 817, 826 (9th Cir. 2011).  
Thus, for opinions formed outside the course of treatment, Rule 26(a)(2)(B) written  
reports are required. *Id.* For opinions formed during the course of treatment, Rule  
26(a)(2)(C) disclosures will suffice.

1 necessity of such expert witness could not have been reasonably anticipated at the time of  
2 the deadline for disclosing such expert witness; (b) the Court and opposing counsel or  
3 unrepresented party were promptly notified upon discovery of such expert witness; and  
4 (c) such expert witness was promptly proffered for deposition. *See Wong v. Regents of*  
5 *the Univ. of Cal.*, 410 F.3d 1052, 1060 (9th Cir. 2005).

6 g. Each side is limited to one retained or specially employed expert  
7 witness per issue.

8 6. Discovery Disputes.

9 a. The parties may not file written discovery motions without leave of  
10 Court.<sup>4</sup> If a discovery dispute arises, the parties must promptly contact the Court to  
11 request a telephonic conference concerning the dispute. The Court will seek to resolve  
12 the dispute during the telephonic conference, and may enter appropriate orders on the  
13 basis of the telephone conference. The Court may order written briefing if necessary.

14 b. The parties shall not contact the Court concerning a discovery  
15 dispute without first seeking to resolve the matter through personal consultation and  
16 sincere effort as required by LRCiv 7.2(j). Any briefing ordered by the Court must also  
17 comply with LRCiv 7.2(j).

18 c. Absent extraordinary circumstances, the Court will not entertain fact  
19 discovery disputes after the deadline for completion of fact discovery, and will not  
20 entertain expert discovery disputes after the deadline for completion of expert discovery.

21 7. Deadline for Filing Dispositive Motions.

22 a. Dispositive motions shall be filed no later than \_\_\_\_\_.  
23 Such motions must comply in all respects with the Federal Rules of Civil Procedure and  
24 the Local Rules of Practice for the District Court.

25 b. No party may file more than one motion for summary judgment  
26 under Rule 56 unless permission is first obtained, by joint telephone call, from the Court.

27 \_\_\_\_\_  
28 <sup>4</sup> The prohibition on “written discovery motions” includes any written materials delivered or faxed to the Court, including hand-delivered “correspondence” with attachments.

1 c. Failure to respond to a motion within the time periods provided in  
2 LRCiv 7.2 will be deemed consent to the granting of the motion, and the Court may  
3 dispose of the motion summarily pursuant to LRCiv 7.2(i).

4 d. The parties shall not notice oral argument on any motion. Instead, a  
5 party desiring oral argument shall place the words “Oral Argument Requested”  
6 immediately below the title of the motion pursuant to LRCiv 7.2(f). The Court will issue  
7 an order scheduling oral argument as it deems appropriate.

8 8. Briefing Requirements.

9 a. All memoranda filed with the Court shall comply with LRCiv 7.1(b),  
10 which requires thirteen-point font in text and footnotes.

11 b. Citations in support of any assertion in the text shall be included in  
12 the text, not in footnotes.

13 9. Deadline for Engaging in Good Faith Settlement Talks. All parties and  
14 their counsel shall meet in person and engage in good faith settlement talks no later than  
15 \_\_\_\_\_. Upon completion of such settlement talks, and in no event later than  
16 seven days after the deadline set forth in the preceding sentence, the parties shall file with  
17 the Court a Joint Report on Settlement Talks executed by or on behalf of all counsel. The  
18 Report shall inform the Court that good faith settlement talks have been held and shall  
19 report on the outcome of such talks. The parties shall indicate whether assistance from  
20 the Court is needed in seeking settlement of the case. The parties shall promptly notify  
21 the Court at any time when settlement is reached during the course of this litigation.

22 10. Deadline for Notice of Readiness for Pretrial Conference. The Plaintiff(s)  
23 shall notify the Court that the parties are ready for scheduling a Final Pretrial Conference  
24 pursuant to Rule 16(e). The Plaintiff(s) shall file and serve this notice within ten days  
25 after the dispositive motion deadline if no dispositive motions are pending on that date.  
26 If dispositive motions are pending, Plaintiff(s) shall file and serve such notice within ten  
27 days after the resolution of dispositive motions. The Court will then issue an Order  
28 Setting Final Pretrial Conference that (a) sets deadlines for briefing motions in limine,

1 (b) includes a form for the completion of the parties' joint proposed Final Pretrial Order,  
2 and (c) otherwise instructs the parties concerning their duties in preparing for the Final  
3 Pretrial Conference. A firm trial date will be set at the Final Pretrial Conference.<sup>4</sup>

4 11. The Deadlines Are Firm. The parties are advised that the Court intends to  
5 enforce the deadlines set forth in this Order, and should plan their litigation activities  
6 accordingly. The parties are specifically informed that the Court will not, absent truly  
7 unusual circumstances, extend the schedule in this case to accommodate settlement talks.

8 Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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11 Bridget S. Bade  
12 United States Magistrate Judge  
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26 \_\_\_\_\_  
27 <sup>4</sup> To accommodate the schedules of the parties, witnesses, and counsel (and if the  
28 parties concur), the Court will set a firm trial date for a day and time requested by  
counsel. Counsel may submit a stipulation requesting a specific proposed trial date at  
any time.