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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. The parties met before the conference in accordance with Rule 26(f) and prepared a Case Management Report. 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. Deadline for Initial Disclosures. Initial disclosure required by Federal Rule of Civil Procedure 26(a), if not already exchanged, shall be exchanged no later than _____. The parties must file with the Clerk of Court a Notice of Initial Disclosure, rather than copies of the actual disclosures.
2. Deadline for Joining Parties and Amending Pleadings. Motions to join parties or for leave to amend pleadings shall be filed within sixty days of this Order.
3. Discovery Limitations. Depositions in this case are limited to seven hours each as provided in Federal Rule of Civil Procedure 30(d)(1). The number of depositions and interrogatories are governed by the limits in Federal Rules of Civil Procedure 30 and

1 33. Therefore, each party is limited to ten depositions and twenty-five interrogatories,
2 including subparts. The procedures for requests for admissions and requests for
3 production in Federal Rules of Civil Procedure 34 and 36 are modified to limit each party
4 to forty requests for production of documents, including subparts, and forty requests for
5 admissions, including subparts. The limitations in this paragraph may be increased by
6 mutual agreement of the parties, but such an increase will not result in an extension of the
7 discovery deadlines set forth below.

8 4. Deadline for Completion of Fact Discovery. The deadline for completing
9 discovery shall be _____. To ensure compliance with this deadline, the following
10 rules apply:

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

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

17 c. Notwithstanding LRCiv 7.3, the parties may mutually agree, without
18 Court approval, to extend the time provided for discovery responses in Rules 33, 34, and
19 36 of the Federal Rules of Civil Procedure. Such agreed-upon extensions, however, will
20 not alter or extend the discovery deadlines set forth in this Order.

21 d. Special Provisions Regarding Rule 34 Responses: Objections to
22 Rule 34 document production requests shall be stated with specificity; general or
23 boilerplate objections are not permitted. Document production in response to a Rule 34
24 request must be completed no later than the time specified in the request or another
25 reasonable time specified in the response. An objection to a Rule 34 request must state
26 whether any responsive materials have been withheld on the basis of that objection.

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

28 a. The Plaintiff(s) shall provide full and complete expert disclosures as

1 required by Rule 26(a)(2)(A)-(E) of the Federal Rules of Civil Procedure no later than
2 _____.

3 b. The Defendant(s) shall provide full and complete expert disclosure
4 as required by Rule 26(a)(2)(A)-(E) of the Federal Rules of Civil Procedure no later
5 _____.

6 c. Rebuttal expert disclosure, if any, shall be made no later than
7 _____. Rebuttal experts are limited to responding to opinions stated by initial
8 experts.

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

12 e. Disclosures under Rule 26(a)(2)(A) must include the identities of
13 treating physicians and other witnesses who will provide testimony under Rules 702, 703
14 or 705 of the Federal Rules of Evidence, but who are not required to provide expert
15 reports under Rule 26(a)(2)(B). Rule 26(a)(2)(C) disclosures are required for such
16 witnesses on the dates set forth above. Rule 26(a)(2)(C) disclosures must identify not
17 only the subjects on which the witnesses will testify, but must also provide a summary of
18 the facts and opinions to which the expert will testify. The summary, although not as
19 detailed as a Rule 26(a)(2)(B) report, must be sufficiently detailed to provide fair notice
20 of what the expert will say.¹

21 f. An expert witness who has not been timely disclosed will not be
22 permitted to testify unless the party offering such witness demonstrates that: (a) the
23 necessity of such expert witness could not have been reasonably anticipated at the time of
24 the deadline for disclosing such expert witness; (b) the Court and opposing counsel or
25 _____

26 ¹ 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 unrepresented party were promptly notified upon discovery of such expert witness; and
2 (c) such expert witness was promptly proffered for deposition. *See Wong v. Regents of*
3 *the Univ. of Cal.*, 410 F.3d 1052, 1060 (9th Cir. 2005).

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

6 6. Discovery Disputes.

7 a. The parties may not file written discovery motions without leave of
8 Court.² If a discovery dispute arises, the parties must promptly contact the Court to
9 request a telephonic conference concerning the dispute. The Court will seek to resolve
10 the dispute during the telephonic conference, and may enter appropriate orders on the
11 basis of the telephone conference. The Court may order written briefing if necessary.

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

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

19 7. Deadline for Filing Dispositive Motions.

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

23 b. No party may file more than one motion for summary judgment
24 under Rule 56 of the Federal Rules of Civil Procedure unless permission is first obtained,
25 by joint telephone call, from the Court.

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28 ² 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 requiring 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 seven
16 days after the deadline set forth in the preceding sentence, the parties shall file with the
17 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) of the Federal Rules of Civil Procedure. The Plaintiff(s) shall file
25 and serve this notice within ten days after the dispositive motion deadline if no
26 dispositive motions are pending on that date. If dispositive motions are pending,
27 Plaintiff(s) shall file and serve such notice within ten days after the resolution of
28 dispositive motions. The Court will then issue an Order Setting Final Pretrial Conference

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

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

9 Dated this _____ day of _____, _____.

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12 Bridget S. Bade
13 United States Magistrate Judge
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26 _____
27 ³ 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.