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

,
Plaintiff,
v.
,
Defendants.

No. CV PHX DGC

**ORDER SETTING RULE 16 CASE
MANAGEMENT CONFERENCE**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a Case Management Conference is set for _____ in Courtroom 603, Sandra Day O'Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix, Arizona 85003-2151. In preparation for this Case Management Conference, it is hereby ordered as follows:

A. Rule 26(f) Meeting and Case Management Report.

The parties are directed to meet and confer at least 10 days before the Case Management Conference as required by Federal Rule of Civil Procedure 26(f). At this meeting the parties shall develop a joint Case Management Report which contains the information called for in section B below.

B. Joint Case Management Report.

The parties' Joint Case Management Report shall contain the following information in separately numbered paragraphs.

1. The parties who attended the Rule 26(f) meeting and assisted in developing the Case Management Report;

1 2. A list of the parties in the case, including any parent corporations or entities
2 (for recusal purposes);

3 3. A short statement of the nature of the case (3 pages or less);

4 4. The jurisdictional basis for the case, describing the basis for jurisdiction
5 (see the accompanying footnote) and citing specific jurisdictional statutes;¹

6 5. Any parties which have not been served and an explanation of why they
7 have not been served, and any parties which have been served but have not answered or
8 otherwise appeared;

9 6. A statement of whether any party expects to add additional parties to the
10 case or otherwise to amend pleadings (the Court will set a deadline after the Case
11 Management Conference to join parties or amend pleadings);

12 7. A listing of contemplated motions and a statement of the issues to be
13 decided by these motions (including motions under Federal Rules of Evidence 702, 703,
14 704, and 705);

15 8. Whether the case is suitable for reference to a United States Magistrate
16 Judge for a settlement conference or trial;

17 9. The status of related cases pending before other courts or other judges of
18 this Court;

19 10. A discussion of any issues relating to disclosure or discovery of
20 electronically stored information, including the parties' preservation of electronically

21 ¹ If jurisdiction is based on diversity of citizenship, the report shall include a statement of
22 the citizenship of every party and a description of the amount in dispute. *See* 28 U.S.C.
23 §1332. The parties are reminded that (1) a corporation is a citizen of the state where it is
24 incorporated and the state of its principal place of business, and (2) partnerships and
25 limited liability companies are citizens of every state in which one of their partners or
26 members resides. *See* 28 U.S.C. §1332(c); *Indus. Tectonics v. Aero Alloy*, 912 F.2d
27 1090, 1092 (9th Cir. 1990); *Belleville Catering Co. v. Champaign Market Place, L.L.C.*,
28 350 F.3d 691, 692 (7th Cir. 2003). The parties are further reminded that the use of
fictitious parties (“John Doe” or “ABC Corporation”) “casts no magical spell on a
complaint otherwise lacking in diversity jurisdiction.” *Fifty Assocs. v. Prudential Ins.
Co. of Am.*, 446 F.2d 1187, 1191 (9th Cir. 1970) (citations omitted).

1 stored information and the form or forms in which it will be produced (*see*
2 Rules 16(b)(3), 26(f)(3));

3 11. A discussion of any issues relating to claims of privilege or work product
4 (*see* Rules 16(b)(3), 26(f)(3));

5 12. A discussion of whether an order under Federal Rule of Evidence 502(d) is
6 warranted in this case;

7 13. A discussion of necessary discovery, including:

8 a. The extent, nature, and location of discovery anticipated by the
9 parties;

10 b. Suggested changes, if any, to the discovery limitations imposed by
11 the Federal Rules of Civil Procedure;

12 c. The number of hours permitted for each deposition. The parties
13 should also consider whether a total number of depositions hours should be set in the
14 case, such as 40 total hours for Plaintiffs and 40 total hours for Defendants. Such overall
15 time limits have the advantage of providing an incentive for each side to be as efficient as
16 possible in each deposition, while also allowing parties to allocate time among witnesses
17 depending on the importance and complexity of subjects to be covered with the
18 witnesses. If a total hours limit is set, there will be no limit on the number of witnesses
19 who may be deposed.

20 14. A statement of when the parties exchanged or will exchange Federal Rule
21 of Civil Procedure 26(a) initial disclosures;

22 15. Proposed specific dates for each of the following (deadlines should fall on a
23 Friday unless impracticable):

24 a. A deadline for the completion of fact discovery;²

25 _____
26 ² The discovery deadline is the date by which all discovery must be completed.
27 Discovery requests must be served and depositions noticed sufficiently in advance of this
28 date to ensure reasonable completion by this deadline, including time to resolve
discovery disputes.

1 b. Dates for full and complete expert disclosures under Federal Rule of
2 Civil Procedure 26(a)(2)(A)-(C);

3 c. A deadline for completion of all expert depositions;

4 d. A date by which the parties shall have engaged in face-to-face good
5 faith settlement talks;

6 e. A deadline for filing dispositive motions.

7 16. Whether a jury trial has been requested and whether the request for a jury
8 trial is contested (if the request is contested, briefly set forth the reasons);

9 17. The prospects for settlement, including any request of the Court for
10 assistance in settlement efforts; and

11 18. Any other matters that will aid the Court and parties in resolving this case
12 in a just, speedy, and inexpensive manner as required by Federal Rule of Civil
13 Procedure 1.

14 The parties shall jointly file the Case Management Report with the Clerk not less
15 than seven days before the Case Management Conference. It is the responsibility of
16 Plaintiff(s) to initiate the Rule 26(f) meeting and preparation of the joint Case
17 Management Report. Defendant(s) shall promptly and cooperatively participate in the
18 Rule 26(f) meeting and assist in preparation of the Case Management Report.

19 C. Case Management Order.

20 The Court directs counsel and any unrepresented parties to Federal Rule of Civil
21 Procedure 16 for the objectives of the Case Management Conference. Counsel who will
22 be responsible for trial of the lawsuit for each party, and any party that is not represented
23 by counsel, shall appear and participate in the Case Management Conference and shall
24 have authority to enter into stipulations regarding all matters that may be discussed.
25 A continuance of the Case Management Conference will be granted only for good cause.

26 During or after the Case Management Conference the Court will enter a Case
27 Management Order. The form of the Court's standard Case Management Order can be
28 found on the Court's website at www.azd.uscourts.gov under Judges and Courtrooms and

1 Orders, Forms and Procedures. The Court fully intends to enforce the deadlines in the
2 Case Management Order. The parties should plan their litigation activities accordingly.

3 D. Other Matters.

4 The parties are expected to comply fully with the Federal and Local Rules of Civil
5 Procedure and to minimize the expense of discovery if they do not elect an expedited
6 trial. The parties should ensure that all filings comply with Local Rules of Civil
7 Procedure 7.1 and 7.2. The Clerk of the Court shall send copies of this order to all
8 counsel of record and to any unrepresented parties.

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