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

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Plaintiff,

v.

,

Defendant.

No. 2:14-CV-01213-DLR
**ORDER SETTING RULE 16
SCHEDULING CONFERENCE
(ERISA CASE)**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a Scheduling Conference is set for **2017, at 4:00 p.m.**, in Courtroom 506, Sandra Day O'Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix, Arizona 85003-2151. In preparation for this Scheduling Conference, it is hereby ordered as follows:

I. CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, any nongovernmental corporate party to an action or proceeding must file a Corporate Disclosure Statement. If not previously filed, the Court directs any nongovernmental corporate party to file its Corporate Disclosure Statement within 10 days of receipt of this Order. Forms are available on the court's website.

II. RULE 26(f) MEETING AND DISCOVERY PLAN

The parties are directed to meet and confer at least 14 calendar days before the Scheduling Conference as required by Federal Rule of Civil Procedure 26(f). At this

1 Rule 26(f) Meeting, the parties shall develop a joint proposed Discovery Plan which
2 contains the following information in separately numbered paragraphs:

3 1. The parties who attended the Rule 26(f) Meeting and assisted in developing
4 the Plan;

5 2. A description of the principal factual and legal disputes in the case;

6 3. The jurisdictional basis for the case, citing specific jurisdictional statutes;¹

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

10 5. A statement of whether any party expects to add additional parties to the
11 case or otherwise to amend pleadings;

12 6. Proposed specific dates for each of the following (deadlines should fall on a
13 Friday unless impracticable);

14 a. Deadline for initial disclosures.

15 b. Deadline for joining parties and amending pleadings.

16 c. Deadline for Plaintiff to submit to Defendant any documents he/she
17 contends should be in the Administrative Record that are not
18 included in the record physically delivered to the plaintiff already
19 and deadline for submission of the Administrative Record to the
20 Court.

21 d. Deadlines for filing Plaintiff's opening brief, Defendant's response
22 brief, and Plaintiff's reply brief.

23 e. Oral argument on the briefs.
24

25
26 ¹ If jurisdiction is based on diversity, the basis shall include a statement of the
27 citizenship of every party. *See* 28 U.S.C. §1332. The parties are reminded that (1) a
28 corporation is a citizen of the state where it is incorporated and the state of its principal
place of business and (2) partnerships and limited liability companies are citizens of
every state of which one of their members or partners is a citizen. *See* 28 U.S.C.
§1332(c); *Indus. Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9th Cir. 1990); *Belleville*
Catering Co. v. Champaign Market Place, L.L.C., 350 F.3d 691, 692 (7th Cir. 2003).

1 f. Deadline for engaging in good faith settlement talks.

2 7. The prospects for settlement, including any request of the Court for
3 assistance in settlement efforts; and

4 8. Any other matters that will aid the Court and parties in resolving this case
5 in a just, speedy, and inexpensive manner as required by Federal Rule of Civil Procedure

6 The parties shall jointly file the Plan with the Clerk (e-file the Plan using the Other
7 Documents category and use the drop down event Report re: Rule 26(f) Planning
8 Meeting) not less than seven calendar days before the Scheduling Conference (absent
9 extraordinary circumstances, no extensions of time will be granted). It is the
10 responsibility of Plaintiff(s) to initiate the Rule 26(f) Meeting and preparation of the joint
11 Plan. Defendant(s) shall promptly and cooperatively participate in the Rule 26(f)
12 Meeting and assist in preparation of the proposed plan.

13 III. SCHEDULING CONFERENCE AND ORDER

14 The Court directs counsel to Rule 16 of the Federal Rules of Civil Procedure for
15 the objectives of the Scheduling Conference. Counsel for each party shall appear and
16 participate in the Scheduling Conference and shall have authority to enter into
17 stipulations regarding all matters that may be discussed. Counsel intending to appear
18 telephonically shall file a written notice of intent to appear telephonically not less than 2
19 days before the Scheduling Conference. A continuance of the Scheduling Conference
20 will be granted only for good cause and will not be granted beyond the time limit set
21 forth in Federal Rule of Civil Procedure Rule 16(b).

22 During or after the Scheduling Conference, the Court will enter a Scheduling
23 Order. The form of the Court's standard Scheduling Order for ERISA cases can be found
24 on the Court's website at www.azd.uscourts.gov under Judges & Courtrooms; Orders,
25 Forms & Procedures; Judge Rayes. The Court intends to fully enforce the deadlines in
26 the Scheduling Order. The parties should plan their litigation activities accordingly.

27 IV. OTHER MATTERS

28 Counsel for all parties are expected to comply fully with the Federal Rules of Civil

1 Procedure and Local Rules.

2 Counsel should ensure that all pleadings comply with LRCiv 7.1 and LRCiv 7.2.

3 Unless counsel can otherwise show cause, an order shall accompany the Discovery
4 Plan dismissing any party which has not been served, fictitious or unnamed parties, or
5 seeking default judgment against any non-appearing party;

6 **If a party has been served, but has not appeared, plaintiff or counter-**
7 **claimant shall give notice of this order to that party. Fed. R. Civ. P. 16(b)(2).**

8 The parties shall not file written discovery motions without leave of court. If a
9 discovery dispute arises and cannot be resolved despite sincere efforts to resolve the
10 matter through personal consultation, the parties shall call the Court's Judicial Assistant,
11 Ms. Mary Farmer, at (602) 322-7530, to set a telephonic conference.

12 Finally, to ensure timely case processing, a party moving for an extension of time,
13 enlargement of page limitations, leave to amend, or leave to file a document under seal
14 shall indicate in the motion whether the non-movant opposes the request and intends to
15 file a written response.

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