

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

James Reese,  
  
Plaintiff,  
  
v.  
  
Life Insurance Company of North America,  
  
Defendant.

No. CV-16-03083-PHX-DLR  
**SCHEDULING ORDER**  
(ERISA Case)

On January 5, 2017, a Scheduling Conference was held 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 Discovery Plan. Based on the Scheduling Conference and the Discovery Plan,

**IT IS ORDERED:**

1. Deadline for Initial Disclosures shall be N/A .
2. Deadline for Joining Parties, and Amending Pleadings. Motions to join parties or for leave to amend pleadings shall be filed by April 28, 2017.
3. Administrative Record. Plaintiff shall submit to the defendant any documents he contends should be in the record that are not included in the record physically delivered to the plaintiff already, by no later than June 2, 2017. The Administrative Record is to be submitted by no later than November 3, 2017.
4. Deadline for Briefs. Plaintiff’s opening brief is to be filed by no later than November 3, 2017. Defendant’s response brief is to be filed by no later than December

1 1, 2017. Plaintiff's reply brief is to be filed by no later than December 15, 2017.

2 5. Oral Argument. Hearing on the briefs is hereby set for (to be set by Court  
3 if needed).

4 6. Deadline for Engaging in Good Faith Settlement Talks. All parties and  
5 their counsel shall meet in person and engage in good faith settlement talks no later than  
6 April 28, 2017. Upon completion of such settlement talks, and in no event later than five  
7 working days after the deadline set forth in the preceding sentence, the parties shall file  
8 with the court a joint Report on Settlement Talks executed by or on behalf of all counsel.  
9 The report shall inform the Court that good faith settlement talks have been held and shall  
10 report on the outcome of such talks. The parties shall promptly notify the Court at any  
11 time when settlement is reached during the course of this litigation.

12 The Court will set a settlement conference before a magistrate judge upon request  
13 of all parties.

14 The parties are encouraged to discuss settlement at all times during the pendency  
15 of the litigation. The Court will not, however, extend the case processing deadlines  
16 because the parties wish to avoid litigation expense if and when they elect to pursue  
17 settlement efforts, including a settlement conference before a magistrate judge. The  
18 parties should plan their settlement efforts accordingly.

19 7. The Deadlines Are Real. The parties are advised that the Court intends to  
20 enforce the deadlines set forth in this order, and they should plan their litigation activities  
21 accordingly. The Court will not extend the case processing deadlines because the parties  
22 wish to avoid litigation expense if and when they elect to pursue settlement efforts,  
23 including a settlement conference before a magistrate judge.

24 8. Briefing Requirements.

25 a. All memoranda filed with the Court shall comply with Local Rule of  
26 Civil Procedure 7.1(b) requiring 13 point font in text and footnotes.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

9. Dismissal for Failure to Meet Deadlines of This Order or of the Rules. The parties are warned that failure to meet any of the deadlines in this order or in the Federal Rules of Civil Procedure without substantial justification may result in sanctions, **including dismissal of the action or entry of default.**

10. Limitation on Paper Courtesy Copies. Notwithstanding Section II.D.3 of the Electronic Case Filing Administrative Policies and Procedures Manual, no party shall deliver to chambers an additional paper courtesy copy of any filing unless otherwise ordered by the Court.