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

	❖,)	CV-❖-❖-PHX/PCT-JAT
	Plaintiff(s),)	RULE 16 SCHEDULING ORDER
	v.)	
	❖,)	
	Defendant(s).)	

On ❖[date], a Scheduling Conference was held in open Court pursuant to Rule 16(b) of the Federal Rules of Civil Procedure. Prior to the conference, the parties filed a joint Rule 26(f) Proposed Case Management Plan. Pursuant to the terms of the Plan and the representations made by the parties at the Scheduling Conference, all parties were ordered to comply with the deadlines established in this Order.

IT IS THEREFORE ORDERED that the current provisions of the Federal Rules of Civil Procedure shall apply to all proceedings concerning this case.

IT IS FURTHER ORDERED that all Initial Disclosures as defined in Federal Rule of Civil Procedure 26(a), if not already exchanged prior to the time of the Scheduling Conference, shall be made **no later than ten (10) days** after the entry of this Order or, in the alternative, no later than ❖.

IT IS FURTHER ORDERED that to satisfy the requirements of Federal Rule of Civil Procedure 26(a), the parties shall file with the Clerk of the Court a Notice of Initial

1 Disclosure rather than copies of the actual disclosures.

2 **IT IS FURTHER ORDERED** that any motion to amend the Complaint shall be filed
3 no later than ❖. If no amended complaint is filed, any motion to amend the Answer shall
4 be filed no later than ❖.

5 **IT IS FURTHER ORDERED** that the party with the burden of proof on an issue
6 shall make all expert disclosures required by the Federal Rules of Civil Procedure no later
7 than ❖. The responding party (not having the burden of proof on the issue) shall make all
8 expert disclosures required by the Federal Rules of Civil Procedure no later than ❖.¹ The
9 party with the burden of proof on the issue shall make its rebuttal expert disclosure, if any,
10 no later than ❖. No deposition of any expert witnesses shall occur before the disclosures
11 concerning expert witnesses mandated by this Order are made.

12 **IT IS FURTHER ORDERED** that all discovery, including depositions of parties,
13 witnesses, and experts, answers to interrogatories, and supplements to interrogatories must
14 be completed by ❖. In no event, however, shall this provision alter the duties and
15 obligations imposed upon the parties by Federal Rule of Civil Procedure 26(e). This Order
16 contemplates that each party will conduct discovery in an expeditious manner so as to
17 **complete, within the deadline, any and all discovery.**² Further, in responding to Requests

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20 ¹ If no expert disclosure is made by a party who has the burden of proof on an issue by
21 the initial expert disclosure deadline, all initial expert disclosures by the party who does not
22 have the burden of proof on an issue shall be made no later than the responding party
23 deadline. A party responding to this type of disclosure shall do so by the rebuttal disclosure
24 deadline.

25 ² As set forth in the Order Setting Rule 16 Scheduling Conference, the Court will **not**
26 entertain discovery disputes after the close of discovery barring extraordinary circumstances.
27 Therefore, the parties shall **complete** all discovery by the deadline set forth in this Order
28 (**complete** being defined as including the time to propound discovery, the time to answer all
propounded discovery, the time for the Court to resolve all discovery disputes, and the time
to complete any final discovery necessitated by the Court's ruling on any discovery
disputes). Thus, "last minute" or "eleventh hour" discovery which results in insufficient time
to undertake additional discovery and which requires an extension of the discovery deadline
will be met with disfavor, and may result in denial of an extension, exclusion of evidence,

1 for Admissions, Requests for Production, or Interrogatories, the parties are cautioned that the
2 Federal Rules of Civil Procedure do not permit “general” or “global” objections.
3 Accordingly, the Court will not consider nor rule on objections that are not specific to the
4 individual request propounded.

5 **IT IS FURTHER ORDERED** that depositions shall be limited as provided by Rules
6 30 and 31 of the Federal Rules of Civil Procedure and as provided by the presumptive
7 discovery rules established in Civil Local Rule 16.2, Rules of Practice for the United States
8 District Court for the District of Arizona (“Civil Local Rules”), unless the parties otherwise
9 stipulate in writing when permitted to do so pursuant to the Rules or when granted
10 permission to depart from the provisions of the Rules by Order of this Court. To the extent
11 that the Federal Rules of Civil Procedure differ from Civil Local Rule 16.2, the provisions
12 of the Civil Local Rules shall govern.

13 **IT IS FURTHER ORDERED** that notwithstanding any provisions of the Federal
14 Rules of Civil Procedure or any other provisions of this Order, non-party witnesses shall **not**
15 be permitted to attend, either physically, electronically, or otherwise, the deposition of any
16 other witness in this case without an Order of this Court to the contrary.

17 **IT IS FURTHER ORDERED** reminding counsel of their duty under Rule 26(e) of
18 the Federal Rules of Civil Procedure to supplement all Rule 26(a) disclosures and responses
19 to discovery requests. Pursuant to Rule 26(e)(1), any additions or other changes to
20 information previously disclosed must be made prior to the time that Rule 26(a)(3) Pretrial
21 Disclosures are due. Since this Court effectively requires all Rule 26(a)(3) Pretrial
22 Disclosures to be contained in the **joint** Proposed Final Pretrial Order, this Order
23 contemplates that all exhibits and witnesses that may be offered at trial will have been
24 disclosed before the close of discovery as established by the provisions of this Order.
25 This Order therefore supersedes the “thirty-day before trial” disclosure deadline contained
26 in that Rule. Therefore (1) failure to have timely supplemented a Rule 26(a) disclosure,
27 _____
28 or the imposition of other sanctions.

1 including but not limited to witnesses and exhibits, (2) failure to have timely supplemented
2 responses to any valid discovery requests, or (3) attempting to include any witnesses or
3 exhibits in the **joint** Proposed Final Pretrial Order that were not previously disclosed in a
4 timely manner so as to allow for meaningful discovery prior to the discovery deadline set
5 forth in this Order, may result in the exclusion of such evidence at trial or the imposition of
6 other sanctions.

7 **IT IS FURTHER ORDERED that discovery motions are prohibited.** In the event
8 of a discovery dispute, the parties shall jointly contact the Court via conference call to
9 request a telephonic conference. The parties shall not contact the Court regarding a
10 discovery dispute unless they have been unable to resolve the dispute themselves after
11 personal consultation and sincere efforts to do so, **and they are prepared to state to the**
12 **court that they agree what is in dispute.** The parties shall not file any written materials
13 related to a discovery dispute without express leave of Court. If the Court does order written
14 submissions, the movant shall include a statement certifying that counsel could not
15 satisfactorily resolve the matter after personal consultation and sincere efforts to do so in
16 accordance with Civil Local Rule 7.2(j).

17 **IT IS FURTHER ORDERED** that all dispositive motions shall be filed no later than
18 ❖. Such motions must be, in all respects, in full compliance with the Civil Local Rules.

19 **IT IS FURTHER ORDERED** that each party shall file **no more than one motion**
20 **for summary judgment** unless leave of Court is obtained. To obtain leave of Court, a party
21 shall file a motion setting forth the reasons justifying the filing of more than one summary
22 judgment motion and/or the reasons the party seeks leave to exceed the page limits set forth
23 in Civil Local Rule 7.2(e).

24 **IT IS FURTHER ORDERED** that all parties are hereby specifically admonished that
25 failure to respond to a motion by serving and filing an answering memorandum within the
26 time period expressly provided for in Civil Local Rule 7.2(c), 56.1(b) and/or 12.1(b) may be
27 deemed a consent to the denial or granting of the motion and the Court may dispose of the
28 motion summarily pursuant to Civil Local Rule 7.2(i).

1 **IT IS FURTHER ORDERED** that, the parties shall not notice oral argument on any
2 motion. Instead, a party desiring oral argument on a motion shall request argument by
3 placing “**Oral Argument Requested**” immediately below the title of such motion. The
4 Court will then issue a minute entry order scheduling the oral argument if it deems one
5 necessary.

6 Oral argument shall be scheduled at the request of a party on all motions to dismiss
7 and motions for summary judgment. On all other motions on which a party requests oral
8 argument as set forth above, the Court will determine whether oral argument is necessary.
9 The parties are reminded that obtaining oral argument is purely administrative. Accordingly,
10 regardless of a scheduled oral argument, the Court may, at any time, determine that oral
11 argument is unwarranted and rule on the motion without oral argument.

12 **IT IS FURTHER ORDERED** that any and all motions, requests, or stipulations for
13 extensions of time shall be made in accordance with the provisions of Civil Local Rule 7.3.
14 Notwithstanding this directive, however, if such motion, request, or stipulation seeks an
15 extension of time in which to file a memorandum in response or in reply to a motion
16 previously noticed for oral argument, under no circumstances shall such motion, request, or
17 stipulation seek an extension that would preclude the Court from having at least **thirty (30)**
18 **days** from the due date for the filing of the reply memorandum to consider the merits of the
19 underlying motion unless the motion, request, or stipulation also seeks to vacate and
20 reschedule the oral argument. Any motion, request, or stipulation that seeks both an
21 extension of time and the rescheduling of oral argument shall contain a memorandum of
22 points and authorities that demonstrates good cause for the Court to grant the requested
23 extension. The deadlines set forth in this Order are the deadlines by which a party must file
24 documents with the Court, in addition to serving opposing counsel, notwithstanding Federal
25 Rule of Civil Procedure 5(d).

26 **IT IS FURTHER ORDERED** that, if no dispositive motions are pending before the
27 Court after the dispositive motion deadline has passed, **Plaintiff(s) shall file and serve a**
28 **Notice of Readiness for Final Pretrial Conference within ten (10) days of the dispositive**

1 **motion deadline.**

2 **IT IS FURTHER ORDERED** that, if dispositive motions are pending before the
3 Court following the dispositive motions deadline, **Plaintiff(s) shall file and serve a Notice**
4 **of Readiness for Final Pretrial Conference within ten (10) days of the resolution of the**
5 **last dispositive motion.**³

6 **IT IS FURTHER ORDERED** that the Order Setting Final Pretrial Conference will:
7 (1) set deadlines for the filing of and response to motions in limine; (2) instruct the parties
8 on their duties in preparing for the Final Pretrial Conference and for trial; and (3) include a
9 form for the completion of the parties' **joint** Proposed Final Pretrial Order.

10 **IT IS FURTHER ORDERED** that because the deadlines set forth herein will trigger
11 setting a trial date, the Court deems these deadlines to be the equivalent of a firm trial date.⁴

12 **IT IS FURTHER ORDERED** that the parties shall keep the Court informed
13 regarding the possibility of settlement and, should settlement be reached, the parties shall file
14 a Notice of Settlement with the Clerk of the Court.

15 **IT IS FURTHER ORDERED** that the Court views compliance with the provisions
16 of this Order as critical to its case management responsibilities and the responsibilities of the
17 parties under Rule 1 of the Federal Rules of Civil Procedure.

22 ³ Though the Court discourages the filing of motions for reconsideration, should a party
23 choose to file a motion for reconsideration of an interlocutory order, such party shall file
24 such motion under the standard set forth in *Motorola, Inc. v. J.B. Rogers Mechanical*
25 *Contractors, Inc.*, 215 F.R.D. 581, 586 (D. Ariz. 2003).

26 ⁴ Additionally, the Court will attempt to set the Final Pretrial Conference within 90
27 days of the resolution of the last dispositive motion, and will set Trial within 120 days of the
28 Final Pretrial Conference. Therefore, the parties can calculate approximately when their trial
date will be based on either the resolution of the last pending dispositive motion, or the
setting of the Final Pretrial Conference.