

1 NOT FOR PUBLICATION

2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 _____,
10 Plaintiff(s),
11 v.
12 _____,
13 Defendant(s).

No. CV- _____-JJT
RULE 16 SCHEDULING ORDER

14 Pursuant to the terms of the Case Management Plan and the representations made
15 by the parties at the Rule 16 Scheduling Conference, all parties shall comply with the
16 deadlines established in this Order.

17 The court cautions the parties and their counsel that it will strictly enforce the
18 deadlines set forth in this Rule 16 Scheduling Order. The court will not grant extensions
19 to the dispositive motion cutoff date due to case processing problems, discovery disputes
20 or settlement negotiations.

21 The Fed. R. Civ. P. as amended June 15, 2015, shall apply to all proceedings
22 concerning this case.

23 1. All Initial Disclosures as defined in Fed. R. Civ. P. 26(a), if not already
24 disclosed prior to the Scheduling Conference, shall be made no later than
25 _____.

26 2. To satisfy the requirements of Fed. R. Civ. P. 26(a), the parties shall file
27 with the Clerk of the Court a Notice of Initial Disclosure, rather than copies of the actual
28 disclosures.

1 3. Motions to amend the complaint and to join additional parties shall be filed
2 no later than _____.

3 4. Fact discovery shall be completed by _____.

4 5. The Plaintiff(s) shall disclose the identity of all persons whom they may
5 call at trial to present evidence under Fed. R. Evid. 702, 703, 704, and 705 no later than
6 _____ . The Defendant(s) shall disclose the
7 identity of all persons whom they may call at trial to present evidence under Fed. R. Evid.
8 702, 703, 704, or 705 no later than _____. The parties shall
9 disclose the identity of all rebuttal expert testimony no later than
10 _____. These disclosures shall be full and complete
11 as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure.

12 The disclosures of the identities of all persons whom a party may call at trial to
13 present evidence under Fed. R. Evid. 702, 703, 704, or 705 shall also include all of the
14 disclosures required by Fed. R. Civ.P. 26(a)(2)(B) if the witness is either (1) retained or
15 specifically employed to provide expert testimony in the case, or (2) is an agent or
16 employee of the party offering the testimony whose duties regularly involve giving expert
17 testimony. No deposition of any expert witness shall occur before the disclosures
18 concerning expert witnesses mandated by this Order are made. Expert reports disclosed
19 under Rule 26(a)(2)(B) must set forth “the testimony the witness is expected to present
20 during direct examination, together with the reasons therefor.” Full and complete
21 disclosures of such testimony are required on or before the dates set forth above; absent
22 truly extraordinary circumstances, parties will not be permitted to supplement their expert
23 reports after these dates.

24 6. All discovery must be completed by _____.

25 7. Discovery by interrogatory shall be governed by Fed. R. Civ. P. 33 unless
26 otherwise ordered by the Court. Therefore, there is a limit of twenty-five (25)
27 interrogatories, including discrete subparts.

28

1 8. Depositions shall be limited as provided by Rules 30 and 31 of the
2 Fed. R. Civ. P.

3 9. The parties shall not file written discovery motions without leave of the
4 court. Except during a deposition, if a discovery dispute arises and cannot be resolved
5 despite sincere efforts to resolve the matter through personal consultation (in person or by
6 telephone), the parties shall jointly file (1) a brief written summary of the dispute, not to
7 exceed one page, with explanation of the position taken by each party and (2) a joint
8 written certification that counsel or the parties have attempted to resolve the matter
9 through personal consultation and sincere effort as required by LRCiv 7.2(j) and have
10 reached an impasse. If the opposing party has refused to personally consult, the party
11 seeking relief shall describe the efforts made to obtain personal consultation. Upon
12 review of the filed written summary of the dispute, the court may set a telephonic
13 conference, order written briefing, or decide the dispute without conference or briefing.
14 Any briefing ordered by the court shall also comply with LRCiv 7.2(j). If a discovery
15 dispute arises in the course of a deposition and requires an immediate ruling of the court
16 – a circumstance that should be exceedingly rare – the parties shall jointly contact the
17 court telephonically.

18 10. The parties must complete all pre-trial disclosure required under
19 Fed. R. Civ. P. 26(a)(3), of all exhibits to be used and all witnesses to be called at trial, on
20 or before _____. This order governs and supersedes
21 the “30 days before trial” disclosure deadline contained in Fed. R. Civ. P. 26(a)(3).
22 Therefore, (1) failure to timely supplement Rule 26(a) disclosures, including witnesses
23 and exhibits for trial, (2) failure to timely supplement responses to any valid discovery
24 requests, and (3) attempts to include witnesses or exhibits in the Proposed Final Pretrial
25 Order that were not previously disclosed in a timely manner may result in the exclusion
26 of such evidence at trial or the imposition of other sanctions pursuant to Fed. R. Civ. P.
27 37, the Local Rules of the District Court, and the inherent power of the court.

28

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

11. Good Faith Settlement discussions are to be held no later than _____.

12. All dispositive motions, **including *Daubert* motions**, shall be filed no later than _____. A party or parties represented by the same lawyer shall file **no more than one motion for summary judgment** unless leave of Court is obtained.

13. All parties are specifically admonished that pursuant to LRCiv. 7.2(i),
“if a motion does not conform in all substantial respects with the requirements of this Local Rule, or if the unrepresented party or counsel does not serve and file the required answering memoranda, or if the unrepresented party or counsel fails to appear at the time and place assigned for oral argument, such non-compliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily.”

14. If no dispositive motions are pending before the Court after the dispositive motion deadline has passed, Plaintiff(s) shall file and serve within ten (10) days of the dispositive motion deadline, a Notice of Readiness for a status conference. If a dispositive motion is filed, the Court will schedule a status conference upon resolution of the motion.