

**AGENDA FOR CASE MANAGEMENT MEETING
AND PROPOSED CASE MANAGEMENT PLAN FORMAT**

At the Rule 26(f) **Case Management Meeting**, the parties shall discuss and develop a **Proposed Joint Case Management Plan**. This plan shall be filed with the Clerk of Court not less than ten (10) days before the Scheduling Conference and shall include individually numbered brief statements indicating:

1. The nature of the case, including the factual and legal bases of plaintiff's claims and defendant's defenses;
2. A list of the elements of proof necessary for each count of the Complaint and each affirmative defense and, if applicable, each counterclaim/crossclaim. For those claims in which the burden of proof shifts, each party shall list the elements that party must prove in order to prevail. The list of elements of proof must contain citations to relevant legal authority (i.e., U.S. statutory and/or administrative law, U.S. Supreme Court cases, Ninth Circuit Court of Appeals case law, Arizona state case and statutory law, and other authority as dictated by the conflict of law rules);
3. The factual and legal issues genuinely in dispute and whether they can be narrowed by stipulation or motion;
4. The jurisdictional basis of the case, citing specific statutes;
5. Parties, if any, which have not been served as well as parties which have not filed an answer or appearance. Unless counsel can otherwise show cause, the **Joint Proposed Case Management Plan** shall be accompanied by a proposed order dismissing any party which has not been served or appropriate pleadings seeking default judgment against any non-appearing party;
6. The names of parties not subject to the Court's jurisdiction;
7. Whether there are further dispositive or partially dispositive issues to be decided by pretrial motions and hearings, including evidentiary hearings pursuant to

Daubert and/or Fed.R.Evid. 702;

8. Whether the case is suitable for reference to a United States Magistrate Judge for all further proceedings or to a special master;

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

10. Suggested changes, if necessary, in the timing, form, or requirements for disclosures under Rule 26(a), Fed.R.Civ.P., including a statement of when Initial Disclosures were made or will be made in accordance with Paragraph D above;

11. Suggested changes, if any, in the limitations on discovery imposed by Fed.R.Civ.P. 30, 31 and 33;

12. The scope of discovery, the date discovery should be completed, and whether discovery should be conducted in phases or should be limited to or focused on particular issues. For example, when potentially dispositive motions will be filed (e.g. motions for summary judgment or motions asserting a defense such as the statute of limitations), counsel should consider limiting discovery to the issue to be addressed in the motion until the Court has ruled on it;

13. The final date for supplementation of discovery is to be set two to three weeks after the close of formal discovery. Counsel are reminded of the duty pursuant to Fed.R.Civ.P. 26(e) to supplement all Rule 26(a) disclosures and responses to discovery requests before the date for close of discovery or on the final date for supplementing discovery. Under no circumstances will the final date for supplementation occur after the date for filing dispositive motions. Fed.R.Civ.P. 26(a)(3) disclosures of witnesses and exhibits which may be offered at trial must be made before the close of discovery or, if agreed, on the final date for supplementation. This deadline governs and supersedes the “30 days before trial” disclosure deadline contained in Fed.R.Civ.P. 26(a)(3). Therefore, (1) failure to timely supplement Rule 26(a) disclosures, including the witnesses and exhibits for trial, (2) failure to timely supplement responses to any valid discovery request, or (3) attempts to include witnesses or exhibits in the **Proposed Final Pretrial**

Order that were not previously disclosed in a timely manner may result in the exclusion of such evidence at trial or the imposition of other sanctions pursuant to Fed.R.Civ.P. 37, the Local Rules of Practice for the District of Arizona, and the inherent power of the Court;

14. In addition to the deadlines mentioned above, the proposed deadlines for:
 - (a) disclosure of experts and testimony under Rule 26(a)(2)
 - (b) filing dispositive motions; and
 - (c) lodging the **Joint Proposed Pretrial Order**;

All deadlines must be provided using the Court's form of **Rule 16 Scheduling Order** as a guideline in preparing the **Proposed Joint Case Management Plan**. If counsel cannot agree on deadlines, separate orders may be submitted for discussion at the scheduling conference;

15. Estimated date the case will be ready for trial, the estimated length of trial, and any suggestions for shortening the trial;

16. Whether a jury trial has been requested;

17. The prospects for settlement, including any request for a settlement conference before another United States District Judge or a United States Magistrate Judge, or other request for Court assistance in settlement efforts;

18. In class actions, the proposed dates for class certification proceedings and other class management issues;

19. Whether any unusual, difficult or complex issues exist which would require the case be placed on the complex track for case management purposes; and

20. Any other matters which counsel believe will aid the Court in resolving the dispute in a just, speedy, and cost-efficient manner.

After the Scheduling Conference, the Court will enter a **Rule 16 Scheduling Order** which shall control the course of the action. To the extent that the Court's **Rule 16 Scheduling Order** differs from the parties' **Proposed Joint Case Management Plan**, the provisions of the Court's Order shall control the course of the action unless modified

by subsequent order of the Court. Counsel are cautioned that the deadlines established at the Scheduling Conference shall be enforced.

It is the responsibility of plaintiff's counsel or pro se plaintiff to initiate the communication necessary to schedule the initial **Case Management Meeting** and to prepare and file the **Proposed Joint Case Management Plan** and **Proposed Rule 16 Scheduling Order**.

The documents and forms of order referenced herein shall be obtained from the Court's website at www.azd.uscourts.gov / Judges' Information / Orders, Forms & Procedures for the Hon. Roslyn O. Silver.