

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

| | | | |
|---------------|---|---|---|
| | , | } | No. CV- |
| Plaintiff(s), | | | JOINT PROPOSED RULE 16 CASE MANAGEMENT ORDER |
| vs. | | | |
| | , | | |
| Defendant(s). | | | |
| _____ | | | |

On _____, a Case Management Conference was held in open Court pursuant to Rule 16 of the Federal Rules of Civil Procedure. Prior to the conference, the parties met and prepared a Joint Rule 26(f) Case Management Report and a Joint Proposed Rule 16 Case Management Order. On the basis of the Case Management Conference and the parties' submissions, the Court enters the following Order.

IT IS ORDERED:

I. RULES

All parties must abide by the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure ("LRCiv" or "Local Rules"), Rules of Practice of the U.S. District Court for the District of Arizona.¹ To the extent that the Federal Rules of Civil Procedure differ from the Local Rules, the Federal Rules of Civil Procedure shall govern.

¹ The Local Rules are available at: <http://www.azd.uscourts.gov/local-rules>, and the Federal Rules are available at: <http://www.uscourts.gov/uscourts/rules/civil-procedure.pdf>

1 **II. JOINING PARTIES AND AMENDING PLEADINGS**

2 The deadline for joining parties, amending pleadings, and filing supplemental
3 pleadings is **sixty (60) days** from the date of this Order.

4 **III. DISCOVERY**

5 **Initial Disclosures:** All Initial Disclosures as defined in Rule 26(a) of the Federal
6 Rules of Civil Procedure were exchanged on _____. [If not already
7 disclosed, Initial Disclosures shall be made no later than _____.] The
8 parties shall file with the Clerk of Court a Notice of Initial Disclosure, rather than copies
9 of the actual disclosures.

10 **Discovery Deadline:** All discovery must be completed on or before
11 _____.²

12 **Written Discovery Limitations:** Each side may propound up to 25
13 interrogatories, including subparts. The parties are also limited to 25 requests for
14 production of documents, including subparts, and 25 requests for admissions, including
15 subparts. All interrogatories, requests for production of documents, and requests for
16 admissions shall be served at least **forty-five (45) days** before the discovery deadline.³
17 Responses to discovery requests must be stated with specificity, and the parties are
18 cautioned that the Federal Rules of Civil Procedure do not permit general or boilerplate
19 objections.

20 **Deposition Limitations:** All depositions shall be scheduled to commence at least
21 **five (5) working days** prior to the discovery deadline. A deposition commenced five (5)
22

23 ² This Order governs and supersedes the “30 days before trial” disclosure deadline.
24 *See* Fed. R. Civ. P. 26(a)(3). The discovery deadline concludes the time to propound
25 discovery, the time to answer all propounded discovery, the time to supplement
disclosures and discovery, the time for discovery by subpoena, 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.

26 ³ The parties may mutually agree in writing, without Court approval, to increase the
27 discovery limitations or extend the time provided for discovery responses in Rules 33, 34,
28 and 36 of the Federal Rules of Civil Procedure. Such agreed-upon increases or
extensions, however, shall not alter or extend the discovery deadlines set forth in this
Order.

1 days prior to the deadline may continue up until the deadline, as necessary.

2 **Expert Disclosures:** Plaintiff(s) shall provide full and complete expert disclosures
3 as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than
4 _____. Defendant(s) shall provide full and complete expert
5 disclosures as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure
6 no later than _____. Rebuttal expert disclosures, if any, shall be made
7 no later than _____. Rebuttal experts shall be limited to responding to
8 opinions stated by initial experts. Absent truly extraordinary circumstances, parties will
9 not be permitted to supplement their expert reports after these dates.⁴

10 **Expert Depositions:** Expert depositions shall be completed no later than
11 _____. As with fact witness depositions, expert depositions shall be
12 scheduled to commence at least **five (5) working days** before the deadline.

13 **Discovery Disputes:** Motions on discovery matters are *strongly discouraged*.
14 Parties shall not present any discovery dispute without first seeking to resolve the matter
15 through personal consultation and sincere effort as required by LRCiv 7.2(j). If the
16 parties cannot reach a resolution, they may jointly request Court assistance by filing a
17 ***Joint Motion for Discovery Dispute Resolution***. The motion shall set forth a joint
18 statement of the discovery dispute and shall not exceed **three (3) pages** in length. The
19 parties shall also attach to their motion written certification of compliance with LRCiv
20 7.2(j). Absent extraordinary circumstances, the Court will *not* entertain fact discovery
21 disputes after the deadline for completion of fact discovery, and will *not* entertain expert
22 discovery disputes after the deadline for completion of expert discovery.

23
24
25 _____
26 ⁴ An expert witness who has not been timely disclosed will not be permitted to
27 testify at trial unless the party offering such witness demonstrates that: (a) the necessity
28 of such expert witness could not have been reasonably anticipated at the time of the
deadline for disclosing such expert witness; (b) the Court and opposing counsel or
unrepresented party were promptly notified upon discovery of such expert witness; and
(c) such expert witness was promptly proffered for deposition. *See Wong v. Regents of
the University of California*, 410 F.3d 1052, 1060 (9th Cir. 2005).

1 **IV. MOTIONS**

2 **Dispositive Motion Deadline:** Dispositive motions shall be filed no later than

3 _____.

4 **Dispositive Motion Limitations:** Absent leave of Court, no party shall file more
5 than one motion for summary judgment. To obtain leave of Court, a party shall file a
6 motion setting forth the reasons justifying the filing of more than one summary judgment
7 motion.

8 **Oral Argument:** The parties shall not notice oral argument on any motion.
9 Instead, a party seeking oral argument shall place the words “Oral Argument Requested”
10 immediately below the title of the motion. *See* LRCiv 7.2(f). The Court will issue an
11 order scheduling oral argument as it deems appropriate.

12 **Copies:** A paper copy of any document exceeding ten (10) pages in length shall be
13 submitted to chambers promptly following its electronic filing. Paper copies of
14 documents which are too large for stapling must be submitted in a three-ring binder.
15 Electronic copies of proposed orders or findings shall be emailed to chambers in
16 Microsoft Word® format at Logan_Chambers@azd.uscourts.gov.

17 **Noncompliance:** All parties are specifically admonished that “[i]f a motion does
18 not conform in all substantial respects with the requirements of [the Local Rules], or if
19 the opposing party does not serve and file the required answering memoranda... such
20 noncompliance may be deemed a consent to the denial or granting of the motion and the
21 Court may dispose of the motion summarily.” LRCiv 7.2.

22 **V. SETTLEMENT DISCUSSIONS**

23 All parties and their counsel shall meet in person and engage in good faith
24 settlement talks no later than _____. Upon completion of such
25 settlement talks, and in no event later than **five (5) working days** after the deadline for
26 settlement talks, the parties shall file with the Court a joint report on settlement talks
27 executed by or on behalf of all counsel. The report shall inform the Court that good faith
28 settlement talks have been held and shall report on the outcome of such talks. The parties

1 shall indicate whether assistance from the Court is needed in seeking settlement of the
2 case. The parties shall promptly notify the Court at any time when settlement is reached
3 during the course of this litigation.

4 **VI. FINAL PRETRIAL CONFERENCE**

5 If no dispositive motions are pending before the Court after the dispositive motion
6 deadline has passed, Plaintiff(s) shall file and serve a Notice of Readiness for Final
7 Pretrial Conference within **seven (7) days** of the dispositive motion deadline. If a
8 dispositive motion is pending before the Court following the dispositive motion deadline,
9 Plaintiff(s) shall file and serve a Notice of Readiness for Final Pretrial Conference within
10 **seven (7) days** of the resolution of the dispositive motion. Following the filing of the
11 Notice, the Court will issue an Order Setting Final Pretrial Conference that: (1) sets
12 deadlines for briefing motions in limine; (2) includes a form for the completion of the
13 parties' joint proposed Final Pretrial Order; and (3) otherwise instructs the parties
14 concerning their duties in preparing for the Final Pretrial Conference. A firm trial date
15 will be set at the Final Pretrial Conference.

16 **ADVISAL**

17 **The parties are advised that the Court intends to enforce the deadlines and**
18 **guidelines set forth in this Order, and they should plan their litigation activities**
19 **accordingly.** The Court emphasizes that it has a strict policy not to extend the dispositive
20 motion deadline beyond the two-year anniversary of the date of commencement of an
21 action. Even if all parties stipulate to an extension, the Court will not extend the deadlines
22 absent good cause to do so. As a general matter, the pendency of settlement discussions
23 or the desire to schedule mediation does not constitute good cause.

24
25
26
27
28