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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

	,)	No. CV-
vs.	Plaintiff(s),)	ORDER SETTING RULE 16
	,)	CASE MANAGEMENT CONFERENCE
	Defendant(s).)	

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court enters the following Order.

IT IS ORDERED:

I. CASE MANAGEMENT CONFERENCE

A Case Management Conference is set for **Month Day, Year**, before the Honorable Judge Steven P. Logan, United States District Judge, in Courtroom 501, Sandra Day O'Connor United States Courthouse, 401 West Washington Street, Phoenix, Arizona 85003. Counsel who will be responsible for trial of the lawsuit for each party, and any party that is not represented by counsel, shall appear and participate in the Case Management Conference and shall have authority to enter into stipulations regarding all matters that may be discussed. A continuance of the Case Management Conference will be granted only for good cause.

II. RULE 26(F) MEETING

The parties are directed to meet and confer at least **fourteen (14) days** before the

1 Case Management Conference as required by Rule 26(f) of the Federal Rules of Civil
2 Procedure. It is the responsibility of Plaintiff(s) to initiate the Rule 26(f) Meeting, and
3 Defendant(s) shall promptly and cooperatively participate in the Rule 26(f) Meeting.

4 **III. PARTIES' JOINT SUBMISSIONS**

5 At the Rule 26(f) Meeting, the parties shall *jointly* develop and file with the Clerk
6 of Court not less than **ten (10) days** before the Case Management Conference, each of the
7 following, as outlined below: (1) a Joint Rule 26(f) Case Management Report, and (2) a
8 Joint Proposed Rule 16 Case Management Order.

9 **Joint Rule 26(f) Case Management Report**

10 The parties' Joint Rule 26(f) Case Management Report shall contain the following
11 information in separately numbered paragraphs:

- 12 **1. Attendance:** The parties who attended the Rule 26(f) Meeting and assisted in
13 developing the parties' joint submissions;
- 14 **2. Service:** The parties, if any, which have not been served and an explanation
15 of why they have not been served, and any parties which have been served
16 but have not answered or otherwise appeared;
- 17 **3. Nature of Case:** The nature of the case, including a brief description (3
18 pages or less) of the principal factual disputes and legal basis of Plaintiff(s)
19 claims and Defendant(s) defenses;
- 20 **4. Jurisdiction:** The jurisdictional basis for the case, citing specific statutes. If
21 jurisdiction is based on diversity of citizenship, the report *shall* include a
22 statement of the citizenship of every party and a description of the amount in
23 dispute;¹

24 ¹ The parties are reminded that (1) a corporation is a citizen of the state where it is
25 incorporated and the state of its principal place of business, and (2) partnerships and
26 limited liability companies are citizens of every state in which one of their partners or
27 members resides. *See* 28 U.S.C. § 1332(c); *Hertz Corp. v. Friend*, 559 U.S. 77, 80, 92-93
28 (2010); *Indus. Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9th Cir. 1990); *Johnson v.*
Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006). The parties are
further reminded that the use of fictitious parties (e.g., "John Doe" or "ABC
Corporation") "casts no magical spell on a complaint otherwise lacking in diversity
jurisdiction." *Fifty Assocs. v. Prudential Ins. Co. of Am.*, 446 F.2d 1187, 1191 (9th Cir.

- 1 **5. Additions and Amendments:** Whether any party expects to add additional
2 parties to the case or otherwise amend the pleadings;
- 3 **6. Related Cases:** The status of related cases pending before other courts or
4 other judges of this District;
- 5 **7. Initial Disclosures:** Whether the parties have exchanged initial disclosures
6 under Rule 26(a) of the Federal Rules of Civil Procedure;²
- 7 **8. Discovery Limitations:** Suggested changes, if any, in the limitations on
8 discovery imposed by the Federal Rules of Civil Procedure;
- 9 **9. Electronic Information:** Any issues relating to disclosure or discovery of
10 electronically stored information, including the form or forms in which it will
11 be produced;
- 12 **10. Request for Jury Trial:** Whether a jury trial has been requested and whether
13 the request for a jury trial is contested. If the request for a jury trial is
14 contested, the parties shall set forth the reasons why a trial by jury is in
15 dispute;
- 16 **11. Trial:** The estimated date that the case will be ready for trial, the estimated
17 length of trial, and any suggestions for shortening the trial;
- 18 **12. Expedited Trial Alternative:** Certification that counsel for each party has
19 discussed with his or her client, or each *pro se* litigant has considered, the
20 expedited trial alternative addressed below;
- 21 **13. Consent to Magistrate Judge:** Whether the parties consent to the transfer of
22 the case to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c);
- 23 **14. Settlement:** The prospects for settlement, and whether the case is suitable for
24 referral to a United States Magistrate Judge for the purpose of holding a
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26 1970) (citations omitted).

27 ² Full compliance with Rule 7.1 of the Federal Rules of Civil Procedure is required
28 by Plaintiff(s) and Defendant(s), if applicable. A Corporate Disclosure Statement form is
available on the District Court's website at <http://www.azd.uscourts.gov/forms>.

1 settlement conference, or whether the case is suitable for an alternative
2 method of dispute resolution; and

3 **15. Modified Procedures:** Suggested modification of pretrial procedures due to
4 the simplicity or complexity of the case, for example:

5 i. **Class Action:** If either party is presenting their case as a class action,
6 the parties shall propose a deadline for motions for class certification;

7 ii. **Patent Action:** If either party believes a *Markman* hearing³ will be
8 necessary, the parties shall propose dates for holding the *Markman*
9 hearing;

10 iii. **ERISA⁴ Action:** If the parties jointly agree to resolve this action
11 through cross briefing, *in lieu of filing the attached Joint Proposed Rule*
12 *16 Case Management Order*, the parties shall propose a deadline for
13 each of the following:

14 (a) Initial disclosures;

15 (b) Completion of disclosure of materials (previously
16 undisclosed) that either party contends should be considered
17 as part of the record on review;

18 (c) Filing of the Administrative Record;

19 (d) Filing of Plaintiff's Opening Brief;

20 (e) Filing of Defendant's Response Brief;

21 (f) Filing of Plaintiff's Reply Brief; and

22 (g) Completion of Good Faith Settlement Talks;

23 **16. Additional Matters:** Any other matters that will aid the Court and parties in
24 resolving this case in a just, speedy, and inexpensive manner.

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27 ³ See *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996).

28 ⁴ Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.*

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of the cost if an expedited trial is not elected and typical discovery and motion practice occur. The intent of this requirement is to ensure that clients clearly understand the potential cost savings of an expedited trial. If the parties identify other expedited procedures that might reduce the cost of litigating this case to completion, such as limited discovery leading to an expedited trial with no motion practice, the parties may propose such procedures in the Joint Rule 26(f) Case Management Report.