

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),)	RULE 16	
vs.)	CASE MANAGEMENT ORDER	
	,)		
Defendant(s).)		

The parties have 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 parties’ submissions, and the Court’s considered assessment of the time necessary to complete discovery and all pretrial submissions,

IT IS ORDERED:

I. Governing Rules and Preliminary Order

Both counsel and *pro se* litigants must abide by the [Local Rules of Civil Procedure](#) (“LRCiv” or “Local Rules”), Rules of Practice of the U.S. District Court for the District of Arizona, and the [Federal Rules of Civil Procedure](#).

The Court’s Preliminary Order and its Attachments (Doc. #) are incorporated by reference and remain in effect. To any extent the Preliminary Order differs from this Order, this Order shall govern.

II. Joining Parties and Amending Pleadings

The deadline for joining parties, amending pleadings, and filing supplemental

1 pleadings is _____ from the date of this Order.

2 Any motion for leave to amend or notice of amendment must be filed in
3 accordance with Rule 15.1 of the Local Rules of Civil Procedure. Any motion or notice
4 that does not comply with the local and federal rules may be stricken by the Court.

5 **III. Discovery**

6 **Mandatory Initial Discovery Pilot Project (“MIDP”)**: This case is subject to the
7 MIDP. Each party has certified that it has received and carefully reviewed the Court’s
8 Preliminary Order and the materials attached to it to ensure familiarity and full
9 compliance with the requirements of the MIDP.¹

10 **Mandatory Initial Discovery Responses (“MIDP Responses”)**: MIDP
11 Responses were exchanged on -or- shall be exchanged no later than _____.
12 Unless the Court orders otherwise, the parties shall file with the Clerk of Court a notice
13 of service of initial responses, rather than copies of the actual disclosures.

14 **Supplemental MIDP Responses**: Supplemental MIDP Response shall be served
15 on the opposing party no later than **thirty (30) days** after the information is discovered or
16 revealed. Unless the Court orders otherwise, the parties shall file with the Clerk of Court
17 a notice of service of supplemental responses, rather than copies of the actual disclosures.

18 **Electronically Stored Information (“ESI”)**: ESI identified in the MIDP
19 Responses was produced – or shall be produced to the opposing party no later than
20 _____.

21 **Discovery Deadline**: Following service of MIDP Responses, broader discovery
22 under Federal Rules of Civil Procedure 26, 30, 31, 33, 34, 36, and 45 may commence. All
23 discovery, including supplementation of MIDP Responses, must be completed on or
24 before _____.²

25 ¹ The General Order, as well as a Notice, Checklist, and Users’ Manual are attached
26 to this Court’s Preliminary Order, and may also be found online at the [District of
Arizona’s Website](#) or the [Federal Judicial Center’s Website](#).

27 ² This supersedes the “30 days before trial” disclosure deadline. *See* Fed. R. Civ. P.
28 26(a)(3). The discovery deadline concludes the time to propound discovery, the time to
answer all propounded discovery, the time to supplement disclosures and discovery, the

1 **Written Discovery Limitations:** Each side may propound up to 25
2 interrogatories, including subparts. The parties are also limited to 25 requests for
3 production of documents, including subparts, and 25 requests for admissions, including
4 subparts. All interrogatories, requests for production of documents, and requests for
5 admissions shall be served at least **forty-five (45) days** before the discovery deadline.³

6 Responses to discovery requests must be stated with specificity; general or
7 boilerplate objections are not permitted. If a party objects to providing relevant
8 information, including an objection that providing the required information would
9 involve disproportionate expense or burden, it must provide particularized information
10 regarding the nature of the objection and its basis, and fairly describe the information
11 being withheld. Where a party limits its response on the basis of privilege or work
12 product, a privilege log is required unless the Court orders otherwise.

13 **Fact Depositions:** All depositions shall be scheduled to commence at least **five (5)**
14 **working days** prior to the discovery deadline. A deposition commenced five (5) days
15 prior to the deadline may continue up until the deadline, as necessary. Depositions shall
16 be limited to seven hours each as provided in Rule 30(d)(1) of the Federal Rules of Civil
17 Procedure.

18 **Expert Disclosures:** The parties shall provide full and complete expert disclosures
19 as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than
20 _____. Rebuttal expert disclosures, if any, shall be made no later than
21 _____. Rebuttal experts shall be limited to responding to opinions stated
22 by initial experts. Absent truly extraordinary circumstances, parties will not be permitted
23 to supplement their expert reports after these dates.

24 _____
25 *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 **Expert Depositions:** Expert depositions shall be completed no later than
2 _____ . Expert depositions shall be scheduled to commence at least **five (5)**
3 **working days** before the deadline.

4 **Discovery Disputes:** Discovery disputes are *strongly discouraged*. Parties shall
5 *not* present any discovery dispute without first seeking to resolve the matter through
6 personal consultation and sincere effort as required by LRCiv 7.2(j). In the event the
7 parties cannot reach a resolution, they may jointly request assistance by contacting the
8 Court to request a hearing on the dispute; the parties shall not file written discovery
9 motions without leave of Court. The Court will seek to resolve the dispute during the
10 hearing, and may enter appropriate orders on the basis of the hearing or may order written
11 briefing. If the Court orders written submissions, the parties shall include a statement
12 certifying that counsel could not satisfactorily resolve the matter after personal
13 consultation and sincere efforts to do so in accordance with Local Rule 7.2(j).

14 Absent extraordinary circumstances, the Court will *not* entertain fact discovery
15 disputes after the deadline for completion of fact discovery, and will *not* entertain expert
16 discovery disputes after the deadline for completion of expert discovery.

17 **Protective Orders:** As a general practice, this Court does not approve or adopt
18 blanket, umbrella protective orders or confidentiality agreements, even when stipulated to
19 by the parties. Further, the fact that the parties have designated materials or information
20 as confidential pursuant to an agreement or stipulation does not mean that the Court will
21 order that the filings containing such information be placed under seal. In the event
22 discovery mandates disclosure of specific, harmful, confidential material, the Court will
23 entertain a request for a protective order at that time if it is tailored to protect the
24 particular interests at hand in accordance with Rule 26(c) of the Federal Rules of Civil
25 Procedure. Any party wishing to seal a record or document and shield it from public view
26 must prove why the interest in secrecy outweighs the presumption of public access to
27 judicial records and documents.

28

1 **IV. Motions**

2 **Dispositive Motion Deadline:** Dispositive motions shall be filed no later than
3 _____ . The Court emphasizes that it has a strict policy that, absent
4 extraordinary circumstances, the dispositive motion deadline will not be extended beyond
5 the two-year anniversary of the date of commencement of an action, and the proposed
6 deadlines should be devised cautiously.

7 **Pre-Motion Conferral:** Any motion made pursuant to Federal Rule of Civil
8 Procedure 12 is discouraged if the challenged defect in the pleading can be cured by
9 filing an amended pleading. The Court therefore requires: (1) *conferral* - the parties must
10 confer prior to filing a motion to dismiss for failure to state a claim or counterclaim
11 pursuant to Rule 12(b)(6), or a motion for judgment on the pleadings on a claim or
12 counterclaim pursuant to Rule 12(c), to determine whether such motion can be avoided;
13 and (2) *certification* - a certificate of conferral must be *attached* to any motion indicating
14 that the movant notified the opposing party of the issues asserted in its motion, the parties
15 conferred (either in person, by telephone, or in writing) but were unable to agree that the
16 pleading was curable in any part by a permissible amendment offered by the pleading
17 party. Any motion lacking an attached compliant certificate may be summarily stricken
18 by the Court.

19 The parties must also confer prior to filing any motion pursuant to Federal Rule of
20 Civil Procedure 56. In doing so, the parties shall exchange a two-page statement
21 describing any anticipated motion for summary judgment and response, identifying the
22 issues and claims on which summary judgment will be sought and the basis for the
23 motions and response. The purpose of conferral should be aimed at streamlining the
24 issues in dispute, and dispensing of statements of fact. A certificate of conferral must be
25 *attached* to any motion for summary judgment. Any motion lacking an attached
26 compliant certificate may be summarily stricken by the Court.

27 **Motion Limitations:** No party shall file more than one motion for summary
28 judgment under Rule 56 of the Federal Rules of Civil Procedure without leave of Court.

1 **Statements of Fact:** Statements of Fact (“SOF”) required by Local Rule 56.1 shall
2 not exceed ten (10) pages in length, exclusive of exhibits. Electronic copies of SOF shall
3 be emailed to the opposing party and to chambers in Microsoft Word® format at
4 Logan_Chambers@azd.uscourts.gov. Any Controverting SOF, as set forth in Local Rule
5 56.1(b), shall include the entirety of the SOF in each responsive paragraph. Additional
6 SOF shall continue in numerical sequence.

7 **V. Settlement Discussions**

8 All parties and their counsel shall meet in person and engage in good faith
9 settlement talks no later than _____. Upon completion of such settlement
10 talks, and in no event later than **five (5) working days** after the deadline for settlement
11 talks, the parties shall file with the Court a joint report on settlement talks executed by or
12 on behalf of all counsel. The report shall inform the Court that good faith settlement talks
13 have been held and shall report on the outcome of such talks. The parties shall indicate
14 whether assistance from the Court is needed in seeking settlement of the case. The parties
15 shall promptly notify the Court at any time when settlement is reached during the course
16 of this litigation.

17 **VI. Final Pretrial Conference**

18 If no dispositive motions are pending before the Court after the dispositive motion
19 deadline has passed, the parties shall jointly file and serve a “Notice of Readiness for
20 Final Pretrial Conference” within **seven (7) days** of the dispositive motion deadline. If a
21 dispositive motion is pending before the Court following the dispositive motion deadline,
22 the parties shall jointly file and serve a “Notice of Readiness for Final Pretrial
23 Conference” within **seven (7) days** of the resolution of the dispositive motion. Following
24 the filing of the Notice, the Court will issue an Order Setting Final Pretrial Conference
25 that: (1) sets deadlines for briefing motions in limine; (2) includes a form for the
26 completion of the parties’ joint proposed Final Pretrial Order; and (3) otherwise instructs
27 the parties concerning their duties in preparing for the Final Pretrial Conference. A firm
28 trial date will be set at the Final Pretrial Conference.

1 **VII. Additional Guidelines**

2 **Communication with the Court:** As a general matter, all communications with
3 the Court should be made on the record. Telephone calls regarding routine administrative
4 matters in civil cases should be directed to this Court's Judicial Assistant at (602) 322-
5 7550. Telephone calls regarding criminal cases should be directed to this Court's
6 Courtroom Deputy at (602) 322-7235. Direct communications with law clerks is
7 prohibited. No member of chambers staff will provide the parties with legal advice
8 concerning any matter.

9 **Oral Argument and Evidentiary Hearings:** This Court does not have a preset
10 schedule for setting oral arguments and evidentiary hearings. The Court will schedule
11 oral arguments and evidentiary hearings when warranted and advise the parties
12 accordingly. Any party desiring oral argument should request it by noting it below the
13 title of the related filing, *see* LRCiv 7.2(f); such requests should be made in instances
14 where it would assist the resolution of the motion, and not merely made as a matter of
15 course. Any party desiring an evidentiary hearing should request it in the body of its
16 filing. Separate motions or requests for oral argument or evidentiary hearings are subject
17 to being stricken or may be modified on the docket to a notice.

18 **PDF Text Searchable Format:** All electronic filings must be filed in a PDF text
19 searchable format in accordance with LRCiv 7.1(c).

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

25 **Font:** All memoranda filed with the Court must comply with Local Rule of Civil
26 Procedure 7.1(b) requiring 13 point font in text and footnotes.

27 **Citations:** Citations in support of any assertion in the text shall be included in the
28 text, not in footnotes.

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

VIII. Final Advisals

Noncompliance: The parties are specifically admonished that failure to prosecute, to comply with court orders, or to comply with the local and federal rules may result in dismissal of all or part of this case, imposition of sanctions, or summary disposition of matters pending before the Court. *See* Fed. R. Civ. P. 41; LRCiv 7.2 (“[i]f a motion does not conform in all substantial respects with the requirements of [the Local Rules], or if the opposing party does not serve and file the required answering memoranda... such noncompliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily”).

Deadline Extensions: *The parties are advised that the Court intends to enforce the deadlines and guidelines set forth in this Order, and they should plan their litigation activities accordingly.* Even if all parties stipulate to an extension, the Court will not extend the deadlines absent good cause to do so. As a general matter, the pendency of settlement discussions or the desire to schedule mediation does not constitute good cause.