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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

	)	No. CIV
Plaintiff,	)	
vs.	)	<b>CASE MANAGEMENT ORDER</b>
Defendant(s).	)	
_____	)	

On \_\_\_\_\_, a Case Management Conference was held pursuant to Rule 16(b) of the Federal Rules of Civil Procedure. The parties met before the conference in accordance with Rule 26(f) and prepared a Case Management Report. On the basis of the Case Management Conference and the Case Management Report,

**IT IS HEREBY ORDERED:**

1. Deadline for Initial Disclosures. Initial disclosure required by Federal Rule of Civil Procedure 26(a), if not already exchanged, shall be exchanged no later than \_\_\_\_\_. The parties shall file with the Clerk of the Court a Notice of Initial Disclosure, rather than copies of the actual disclosures.

2. Deadline for Joining Parties and Amending Pleadings. The deadline for joining parties and amending pleadings is 90 days from the date of this Order. Motions to join parties or for leave to amend pleadings shall be filed within 30 days of this Order so they can be heard and decided prior to the deadline.

1           3.     Discovery Limitations. Depositions in this case shall be limited to seven hours  
2 each as provided in Rule 30(d)(2) of the Federal Rules of Civil Procedure. The number of  
3 depositions and interrogatories shall be as limited in Rule 2.12, Rules of Practice of the United  
4 States District Court for the District of Arizona ("Local Rules"). Each side may also propound  
5 up to 40 requests for production of documents, including subparts, and up to 40 requests for  
6 admissions, including subparts. The limitations set forth in this paragraph may be increased by  
7 mutual agreement of the parties, but such an increase will not result in an extension of the  
8 discovery deadlines set forth below.

9           4.     Deadline for Completion of Fact Discovery. The deadline for completing fact  
10 discovery shall be \_\_\_\_\_. To ensure compliance with this deadline, the following  
11 rules shall apply:

12                 a.     Depositions: All depositions shall be scheduled to commence at least five  
13 working days prior to the discovery deadline. A deposition commenced five days prior to the  
14 deadline may continue up until the deadline, as necessary.

15                 b.     Written Discovery: All interrogatories, requests for production of  
16 documents, and requests for admissions shall be served at least 45 days before the discovery  
17 deadline.

18                 c.     Notwithstanding Local Rule 2.7(c), the parties may mutually agree, without  
19 Court approval, to extend the time provided for discovery responses in Rules 33, 34, and 36 of  
20 the Federal Rules of Civil Procedure. Such agreed-upon extensions, however, shall not alter  
21 or extend the discovery deadlines set forth in this Order.

22           5.     Deadlines for Disclosure of Experts and Completion of Expert Discovery.<sup>1</sup>  
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24           <sup>1</sup>Any testifying expert witness (regardless of whether such expert witness has or has not been  
25 specifically retained for this case or is an employee of the calling party) shall provide a written report  
26 to the adverse party as required by Rule 26(a)(2)(B). *See, Minnesota Mining and Manufacturing Co.*  
27 *v. Signtech USA, Ltd.*, 177 F.R.D. 459 (D. Minn. 1998). No expert witness not timely disclosed will  
28 be permitted to testify unless the party offering such witness demonstrates: (a) that the necessity of such  
expert witness could not have been reasonably anticipated at the time of the deadline for disclosing such

1 a. The Plaintiff(s) shall provide full and complete expert disclosures as  
2 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than \_\_\_\_\_  
3 \_\_\_\_\_.

4 b. The Defendant(s) shall provide full and complete expert disclosure as  
5 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than \_\_\_\_\_  
6 \_\_\_\_\_.

7 c. Rebuttal expert disclosure, if any shall be made no later than \_\_\_\_\_  
8 \_\_\_\_\_. Rebuttal experts shall be limited to responding to opinions stated by initial experts.

9 d. Expert depositions shall be completed no later than \_\_\_\_\_. As  
10 with fact witness depositions, expert depositions shall be scheduled to commence at least five  
11 working days before the deadline.

12 6. Discovery Disputes.

13 a. The parties shall not file written discovery motions without leave of Court.<sup>2</sup>  
14 If a discovery dispute arises, the parties promptly shall contact the Court to request a telephonic  
15 conference concerning the disputes. The Court will seek to resolve the dispute during the  
16 telephonic conference, and may enter appropriate orders on the basis of the telephone  
17 conference. The Court may order written briefing if it does not resolve the dispute during the  
18 telephone conference.

19 b. Parties shall not contact the Court concerning a discovery dispute without  
20 first seeking to resolve the matter through personal consultation and sincere effort as required  
21 by Local Rule 1.10(j). Any briefing ordered by the Court shall also comply with Local Rule  
22 1.10(j).

23 \_\_\_\_\_  
24 expert witness; (b) the Court and opposing counsel or unrepresented party were promptly notified upon  
25 discovery of such expert witness; and (c) that such expert witness was promptly proffered for  
26 deposition. *See, Wong v. Regents of the University of California*, \_\_\_ F.3d \_\_\_ (9<sup>th</sup> Cir., August 18,  
2004); Rule 37(c)(1), Federal Rules of Civil Procedure.

27 <sup>2</sup>The prohibition on "written discovery motions" includes any written materials delivered or  
28 faxed to the Court, including hand-delivered "correspondence" with attachments.

1 c. Absent extraordinary circumstances, the Court will not entertain fact  
2 discovery disputes after the deadline for completion of fact discovery, and will not entertain  
3 expert discovery disputes after the deadline for completion of expert discovery.

4 7. Deadline for Filing Dispositive Motions.

5 a. Dispositive motions shall be filed no later than \_\_\_\_\_. Such  
6 motions must comply in all respects with the Federal Rules of Civil Procedure and the Local  
7 Rules.

8 b. No party shall file more than one motion for summary judgment under Rule  
9 56 of the Federal Rules of Civil Procedure unless permission is first obtained, by joint telephone  
10 call, from the Court.

11 c. Failure to respond to a motion within the time periods provided in Local  
12 Rule 1.10 will be deemed a consent to the denial or granting of the motion and the Court may  
13 dispose of the motion summarily pursuant to Local Rule 1.10(i).

14 d. Notwithstanding Local Rule 1.10(f)(1), the parties shall not notice oral  
15 argument on any motion. Instead, a party desiring oral argument shall place the words "Oral  
16 Argument Requested" immediately below the title of the motion pursuant to Local Rule  
17 1.10(f)(2). The Court will issue a Minute Entry Order scheduling oral argument as it deems  
18 appropriate.

19 8. Deadline for Engaging in Good Faith Settlement Talks. All parties and their  
20 counsel shall meet in person and engage in good faith settlement talks no later than \_\_\_\_\_  
21 \_\_\_\_\_. Upon completion of such settlement talks, and in no event later than five working  
22 days after the deadline set forth in the preceding sentence, the parties shall file with the Court  
23 a joint Report on Settlement Talks executed by or on behalf of all counsel. The Report shall  
24 inform the Court that good faith settlement talks have been held and shall report on the outcome  
25 of such talks. The parties shall indicate whether assistance from the Court is needed in seeking  
26 settlement of the case. The parties shall promptly notify the Court at any time when settlement  
27 is reached during the course of this litigation.

