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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

\_\_\_\_\_,  
Plaintiff,  
vs.  
\_\_\_\_\_,  
Defendant.

No. \_\_\_\_\_-PHX-NVW

**CASE MANAGEMENT ORDER**

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 disclosures 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 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  
4 United States District Court for the District of Arizona (“Local Rules”). Each side may also  
5 propound up to 40 requests for production of documents, including subparts, and up to 40  
6 requests for admissions, including subparts. The limitations set forth in this paragraph may  
7 be increased by mutual agreement of the parties, but such an increase will not result in an  
8 extension of the discovery deadlines set forth below.

9           4.     Deadline for Completion of Fact Discovery. The deadline for completing fact  
10 discovery, including all disclosure required under Rule 26(a)(3), shall be  
11 \_\_\_\_\_ . To ensure compliance with this deadline, the following rules shall  
12 apply:

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

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

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

23           5.     Deadlines for Disclosure of Experts and Completion of Expert Discovery.

24                 a.     The Plaintiff(s) shall provide full and complete expert disclosures as  
25 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than  
26 \_\_\_\_\_ .  
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1           b.     The Defendant(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           c.     Rebuttal expert disclosures, if any, shall be made no later than  
5 \_\_\_\_\_ . Rebuttal experts shall be limited to responding to opinions  
6 stated by initial experts.

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

10          e.     No expert witness not timely disclosed will be permitted to testify unless  
11 the party offering such witness demonstrates: (a) that the necessity of such expert witness  
12 could not have been reasonably anticipated at the time of the deadline for disclosing such  
13 expert witness; (b) the Court and opposing counsel or unrepresented party were promptly  
14 notified upon discovery of such expert witness; and (c) that such expert witness was  
15 promptly proffered for deposition. *See Wong v. Regents of the Univ. of Cal.*, 2004 WL  
16 1837752, \_\_\_ F.3d. \_\_\_ (9th Cir. August 18, 2004).

17          6.     Discovery Disputes.

18          a.     The parties shall not file written discovery motions without leave of  
19 Court. If a discovery dispute arises, the parties promptly shall contact the Court to  
20 request a telephone conference concerning the dispute. The Court will seek to resolve the  
21 dispute during the telephone conference, and may enter appropriate orders on the basis of  
22 the telephone conference. The Court may order written briefing if it does not resolve the  
23 dispute during the telephone conference.

24          b.     Parties shall not contact the Court concerning a discovery dispute  
25 without first seeking to resolve the matter through personal consultation and sincere effort  
26 as required by Local Rule 1.10(j). Any briefing ordered by the Court shall also comply  
27 with Local Rule 1.10(j).  
28

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  
3 entertain 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  
6 \_\_\_\_\_ . Such motions must comply in all respects with the Federal Rules  
7 of Civil Procedure and the Local Rules.

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

11 c. Failure to respond to a motion within the time periods provided in  
12 Local Rule 1.10 will be deemed a consent to the denial or granting of the motion and the  
13 Court may 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  
15 oral argument on any motion. Instead, a party desiring oral argument shall place the  
16 words "Oral Argument Requested" immediately below the title of the motion pursuant to  
17 Local Rule 1.10(f)(2). The Court will issue a Minute Entry Order scheduling oral  
18 argument as it deems appropriate.

19 8. Deadline for Engaging in Good Faith Settlement Talks. All parties and  
20 their 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  
22 than five working days after the deadline set forth in the preceding sentence, the parties  
23 shall file with the Court a joint Report on Settlement Talks executed by or on behalf of all  
24 counsel. The Report shall inform the Court that good faith settlement talks have been  
25 held and shall report on the outcome of such talks. The parties shall indicate whether  
26 assistance from the Court is needed in seeking settlement of the case. The parties shall  
27 promptly notify the Court at any time when settlement is reached during the course of this  
28 litigation.

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9. Motions for Summary Judgment.

a. If NO Motions for Summary Judgment have been filed, then Plaintiff(s) shall file a Joint Proposed Pretrial Order by \_\_\_\_\_. The Order shall be in the form found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judicial Officer Information and Judge Wake. There are separate orders for cases being heard by a jury and cases being heard by the Court.

b. If Summary Judgment Motions have been filed, then Plaintiff(s) shall file and serve Joint Proposed Pretrial Order within ten days after the resolution of such dispositive motions.

10. Final Pretrial Conference. The parties who will be trying the case shall appear at the Final Pretrial Conference on \_\_\_\_\_.

11. The Deadlines Are Real. The parties are advised that the Court intends to enforce the deadlines set forth in this Order, and should plan their litigation activities accordingly.

DATED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

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Neil V. Wake  
United States District Judge