

1 propound up to 40 interrogatories, including subparts, 40 requests for production of
2 documents, including subparts, and 40 requests for admissions, including subparts. The
3 limitations set forth in this paragraph may be increased by mutual agreement of the parties,
4 but such an increase will not result in an extension of the discovery deadlines set forth below.

5 4. Deadline for Completion of Fact Discovery: The deadline for completing fact
6 discovery is ❖ _____. To ensure compliance with this deadline, the
7 following rules shall apply:

8 a. Depositions: All depositions must be scheduled to commence at least
9 **five business days** prior to the discovery deadline. A deposition commenced five days prior
10 to the deadline may continue up until the deadline, as necessary.

11 b. Written Discovery: All interrogatories, requests for production of
12 documents, and requests for admissions must be served at least **45 days** before the discovery
13 deadline.

14 c. Notwithstanding Local Rule of Civil Procedure 7.3(c), the parties may
15 mutually agree, without Court approval, to extend the time provided for discovery responses
16 in Rules 33, 34, and 36 of the Federal Rules of Civil Procedure. Such agreed-upon
17 extensions, however, will not alter or extend the discovery deadlines set forth in this Order.

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

19 a. The Plaintiff(s) must provide full and complete expert disclosures as
20 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than
21 ❖ _____.

22 b. The Defendant(s) must provide full and complete expert disclosures as
23 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than
24 ❖ _____.

25 c. Rebuttal expert disclosures, if any, shall be made no later than
26 ❖ _____. Rebuttal experts are limited to responding to opinions
27 stated by initial experts.

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1 d. Expert depositions must be completed no later than
2 ❖ _____. As with fact witness depositions, expert depositions must be
3 scheduled to commence at least **five working days** before the deadline.

4 e. Disclosures under Rule 26(a)(2)(A) must include the identities of
5 treating physicians and other witnesses who have not been specially employed to provide
6 expert testimony in this case, but who will provide testimony under Federal Rules of
7 Evidence 702, 703, or 705. A Rule 26(a)(2)(B) report is required for any opinion of such
8 witnesses that were not developed in the course of their treatment or other factual
9 involvement in this case.

10 f. As stated in the Advisory Committee Notes to Rule 26 (1993
11 Amendments), expert reports disclosed under Rule 26(a)(2)(B) must set forth “the testimony
12 the witness is expected to present during direct examination, together with the reasons
13 therefore.” Full and complete disclosures of such testimony are required on the dates set
14 forth above; absent truly extraordinary circumstances, parties will not be permitted to
15 supplement their expert reports after these dates.

16 6. Discovery Disputes

17 a. The parties may not file written discovery motions.¹ If a discovery
18 dispute arises, the parties must first attempt to resolve the issue(s) by meeting with opposing
19 counsel, which typically requires a face-to-face meeting. If the parties are unable to resolve
20 the dispute, then they must submit (1) a **joint**, written summary of the dispute, not to exceed
21 two pages in length, outlining the positions(s) taken by each party, and (2) a written
22 certification that counsel or the parties attempted to resolve the matter through personal
23 consultation and sincere effort as required by Local Rule of Civil Procedure 7.2(j). The joint
24 summary and certification may be submitted to the Court via U.S. mail, email to
25 Murguia_Chambers@azd.uscourts.gov, or fax to (602) 322-7589.

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27 ¹ The prohibition on “written discovery motions” includes any written materials
28 delivered or faxed to the Court, including hand-delivered “correspondence” with
attachments.

1 b. Counsel or the parties may then contact the Court to request a time for
2 a telephonic hearing concerning the dispute. The Court will seek to resolve the dispute
3 during the hearing, if deemed necessary, and may enter appropriate orders on the basis of the
4 joint summary of the dispute or the telephonic hearing. In addition, the Court may order
5 written briefing if it does not resolve the dispute during the telephonic hearing. Any briefing
6 ordered by the Court must comply with Local Rule of Civil Procedure 7.2(j).

7 c. Absent extraordinary circumstances, the Court will not entertain fact
8 discovery disputes after the deadline for completion of fact discovery. The Court also will
9 not entertain expert discovery disputes after the deadline for completion of expert discovery.

10 7. Deadline for Filing Dispositive Motions

11 a. Dispositive motions shall be filed no later than
12 ❖ _____. These motions must comply in all respects with the Federal Rules
13 of Civil Procedure and the Local Rules.

14 b. No party may file more than one motion for summary judgment under
15 Federal Rules of Civil Procedure 56 unless permission is first obtained, by joint telephone
16 call, from the Court. Likewise, multiple parties represented by the same attorney may file
17 no more than one motion for summary judgment unless leave of the Court is first obtained.
18 Multiple summary judgment motions will not be reviewed absent a showing of good cause.

19 c. Failure to respond to a motion within the time periods provided in Local
20 Rule of Civil Procedure 7.2 shall be deemed a consent to the denial or granting of the motion
21 and the Court may dispose of the motion summarily pursuant to Local Rule of Civil
22 Procedure 7.2(i).

23 d. Motions to Strike: The Court will not consider evidentiary objections
24 in separate motions to strike. Parties are directed to Local Rule of Civil Procedure
25 7.2(m)(2).² Unless specifically permitted under Local Rule of Civil Procedure 7.2(m)(1), the

27 ² “An objection to the admission of evidence offered in support of or opposition to a
28 motion must be presented in the objecting party's responsive or reply memorandum (or, if the

1 Court will not consider, and will *sua sponte* strike, any separate motions to strike or other
2 separate filings that are filed in violation of this Order.

3 e. The parties shall not notice oral argument. Instead, a party desiring oral
4 argument must place the words “Oral Argument Requested” immediately below the title of
5 the motion pursuant to Local Rule of Civil Procedure 7.2(f). The Court will issue a Minute
6 Entry Order scheduling oral argument as it deems appropriate.

7 8. Deadline for Notice of Readiness for Pretrial Conference: The Plaintiff(s) shall
8 notify the Court that the parties are ready for scheduling of a Final Pretrial Conference
9 pursuant to Rule 16(d) of the Federal Rules of Civil Procedure. Plaintiff(s) must file and
10 serve this notice within **ten days** of the dispositive motion deadline if no dispositive motions
11 are pending on that date. If dispositive motions are pending, Plaintiff(s) must file and serve
12 such notice within **ten days** after the resolution of dispositive motions. The Court will then
13 issue an Order Setting Final Pretrial Conference that (a) sets deadlines for briefing motions
14 in limine, (b) includes a form for the completion of the parties’ joint proposed Final Pretrial
15 Order, and (c) otherwise instructs the parties concerning their duties in preparing for the
16 Final Pretrial Conference. A firm trial date will be set at the Final Pretrial Conference.

17 9. The Deadlines Are Real: **The Court fully intends to enforce the deadlines**
18 **in the Case Management Order. No extensions to the dispositive motions deadline will**
19 **be granted due to case processing problems, discovery disputes, or settlement**
20 **negotiations. The parties should plan their litigation activities accordingly.**

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26 underlying motion is a motion for summary judgment, in the party’s response to another
27 party's separate statement of material facts) and not in a separate motion to strike or other
28 separate filing. Any response to the objection must be included in the responding party's
reply memorandum for the underlying motion and may not be presented in a separate
responsive memorandum.” (emphasis added).