

RULES OF PRACTICE IN CIVIL CASES

HON. MARY H. MURGUIA
UNITED STATES DISTRICT JUDGE
DISTRICT OF ARIZONA

1. **Status Hearing Setting Pretrial Conference:** A status hearing will be held after dispositive motions are ruled on by the Court. The Court will set a trial date and pre-trial conference at that hearing.
2. **Discovery Disputes:** No written motions may be filed. If a discovery dispute arises, then the parties must first attempt to resolve the issue(s) by meeting with opposing counsel, which typically requires a face-to-face meeting. If the parties are unable to resolve the dispute, then the parties must submit (1) a joint, written summary of the dispute, not to exceed two pages in length, outlining the position(s) taken by each party, and (2) a written certification that counsel or the parties attempted to resolve the matter through personal consultation and sincere effort as required by LRCiv 7.2(j). The joint summary and certification may be submitted to the Court via U.S. mail, email to murguia_chambers@azd.uscourts.gov, or fax to (602) 322-7589. Counsel or the parties may then telephone the Court to request a time for a telephonic conference. The Court may (1) decide that a telephonic conference is unnecessary and enter appropriate orders on the basis of the parties' written summary, or (2) hold a telephonic or in-person conference and enter appropriate orders on the basis of that conference. In addition, the Court may order written briefing if it does not resolve the dispute during the conference.
3. **Motions to Strike:** The Court will not consider evidentiary objections in separate motions to strike. Parties are directed to LRCiv 7.2(m)(2), which states that “[a]n objection to the admission of evidence offered in support of or opposition to a motion must be presented in the objecting party’s responsive or reply memorandum (or, if the underlying motion is a motion for summary judgment, in the party’s response to another party’s separate statement of material facts) and not in a separate motion to strike or other 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). Unless specifically permitted under LRCiv 7.2(m)(1), the Court will not consider, and will *sua sponte* strike, any separate motions to strike or other separate filings that are filed in violation of LRCiv 7.2(m).
3. **Oral Argument:** Do not notice oral arguments; place “oral argument requested” on the motion. If the Court decides to hold oral argument, then the Court will issue a minute order to set the argument.

4. **Compliance with Local Rules:** Please comply with all rules local and otherwise. CM/ECF requires that a paper courtesy copy of an electronically filed document must be submitted directly to the assigned judge for certain types of documents such as: complaints; notices of removal; motions to dismiss and responses and replies thereto; motions for summary judgment and responses and replies thereto; motions for temporary restraining order and supporting documents; sealed documents including ex parte documents; documents exceeding 10 pages in length, including exhibits and attachments. To verify electronic filing, a copy of the Notice of Electronic filing must be attached to the courtesy copy. The next business day after the electronic filing, the courtesy copy must be either post-marked and mailed directly to the Court or hand-delivered to the Court's mailbox located in the courthouse. If the nature of the filing is such that the need for a judge's immediate attention is anticipated or desired, a courtesy copy shall be delivered on the same day as the filing. Paper courtesy copies must also comply with all requirements in LRCiv. 7.1. Courtesy copies are to be addressed to the assigned judicial officer and not the Clerk's Office.

5. **Extensions of time:** Motions for extensions of time and motions to exceed page limits are not automatically granted, even if stipulated to. The parties must make every effort to comply with the time and page limitations set forth in LRCiv. 7.2. However, if the parties are not able to do so, then the motions must be supported by good cause and filed no later than five business days prior to the deadline(s).
 - a. Except as provided in this section, electronically submitted proposed orders must be included as an attachment to the motion or stipulation. Additionally, following the filing of the motion or stipulation, a proposed order in WordPerfect or MS Word format and .pdf version of the motion or stipulation must be sent to the court in a separate, non-ECF generated e-mail message addressed to the appropriate chambers as set forth under subpart c of this section. The sender must not copy any other counsel or party on the e-mail message. The proposed order must not contain any form of signature line or block for the judge.
 - b. The proposed order, as well as a .pdf version of the related motion or stipulation, should be attached to an Internet e-mail message and sent to murguia_chambers@azd.uscourts.gov. The subject line of the message should contain the case number and title of the case, and the text of the message should reference the document number assigned to the motion or stipulation assigned by the ECF system when it was electronically filed.
 - c. All proposed orders must comply with LRCiv 7.1 and must be submitted in either WordPerfect 6.x or above (.wpd) or Microsoft Word 97 or above (.doc) file format. Submission of documents in WordPerfect file format is preferred. Proposed orders submitted to the judge in .pdf version or any other file formats other than WordPerfect or MS Word will not be accepted.

6. **Extensions of Rule 16 Scheduling Order deadlines:** Counsel are reminded that the schedule imposed in the Rule 16 Scheduling Order is not subject to modification except on a showing of good cause and by leave of the Court. Counsel may not stipulate to an extension of the deadlines set in the Rule 16 Scheduling Order without also seeking an order extending the deadlines. The Court requires prompt notification of any delays that may require an extension of any deadline set in the Scheduling Order by filed motion or stipulation requesting the extension of time and stating good cause in support thereof. As stated above, motions for extension must be supported by good cause and filed no later than five business days prior to the deadline(s).
7. **Summary Judgment Motions:** Only one summary judgment motion per party may be filed. A party or parties represented by the same attorney may file no more than one motion for summary judgment unless leave of the Court is obtained. Multiple summary judgment motions that are filed by a party will not be reviewed by the Court without a showing of good cause
8. **Notice of Case Status:** No later than 30 days prior to the discovery cutoff date, the parties must file a Notice of Case Status advising the Court of the status of the case and whether the case should be referred to a Magistrate Judge for a settlement conference.
9. **Notice for Trial Setting:** After completion of discovery, and in the event that no dispositive motions are filed, counsel are required to promptly notify the Court in writing that the case is ready for trial. The notice requesting a trial setting must be filed jointly by the parties/counsel no later than 14 days after the dispositive motions deadline.
10. **Settlement:** The parties should explore various means of resolution throughout the course of the proceedings. If settlement occurs, then the parties must immediately file a Notice of Settlement with the Clerk's office.
11. **Dismissal following Notice of Settlement:** After the filing of a Notice of Settlement, the Court will enter an Order directing that the case be dismissed with prejudice within 30 days unless a stipulation to dismiss has been filed prior to the dismissal date.
12. **Telephone Calls to Chambers:** Telephone calls to Chambers should be limited to setting telephonic conferences for discovery disputes and notifying the Court of other pressing matters.