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

		}	No. CV ❖ NVW
	❖,	}	
	Plaintiff,	}	ORDER SETTING RULE 16 CASE MANAGEMENT CONFERENCE
	vs.	}	
	❖,	}	
	Defendant.	}	

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a Case Management Conference is set for ❖ in Courtroom 504, Sandra Day O'Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix, Arizona 85003-2151. In preparation for this Case Management Conference, it is hereby Ordered as follows:

INITIAL DISCLOSURES

The parties shall provide initial disclosures at least 21 calendar days before the case management conference in the form required by Federal Rule of Civil Procedure 26(a)(1). The parties shall file with the Clerk of Court a Notice of Initial Disclosure; copies of the actual disclosures need not be filed.

COMMENCEMENT OF DISCOVERY PERMITTED

The limitation on the commencement of formal discovery set forth in Federal Rule of Civil Procedure 26(d) is waived. Formal discovery not only may commence at any

1 time after service of process, but the court expects discovery to commence prior to the
2 scheduling conference.

3 RULE 26(f) MEETING AND CASE MANAGEMENT REPORT

4 The parties are directed to meet and confer at least 14 calendar days before the
5 Case Management Conference as required by Federal Rule of Civil Procedure 26(f). At
6 this Rule 26(f) Meeting the parties shall develop a joint Case Management Report which
7 contains the following information in separately numbered paragraphs:

8 1. The parties who attended the Rule 26(f) Meeting and assisted in developing
9 the Case Management Report;

10 2. A short statement of the nature of the case (**3 pages or less**), including a
11 description of each claim and defense;

12 3. A description of the principal factual and legal disputes in the case;

13 4. The jurisdictional basis for the case, citing specific jurisdictional statutes;¹

14 5. Any parties which have not been served and an explanation of why they
15 have not been served; and any parties which have been served but have not answered or
16 otherwise appeared;

17 6. A statement of whether any party expects to add additional parties to the
18 case or otherwise to amend pleadings (the Court will set a deadline of not later than 90
19 days after the Case Management Conference to join parties or amend pleadings);

20 7. A listing of contemplated motions and a statement of the issues to be
21 decided by these motions (including motions under Federal Rules of Evidence 702, 703,
22 704, and 705);

23 8. Whether the case is suitable for reference to arbitration or a United States
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25 ¹ If jurisdiction is based on diversity, the basis shall include a statement of the citizenship of every
26 party. See 28 U.S.C. §1332. The parties are reminded that (1) a corporation is a citizen of the state
27 where it is incorporated and the state of its principle place of business and (2) partnerships and
28 limited liability companies are citizens of every state in which one of their members or partners
resides. See 28 U.S.C. §1332(c); *Indus. Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9th Cir.
1990); *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 692 (7th Cir.
2003).

1 Magistrate Judge for trial;

2 9. The status of related cases pending before other courts or other judges of
3 this Court;

4 10. A statement of when the parties exchanged Federal Rule of Procedure 26(a)
5 initial disclosures;

6 11. A discussion of necessary discovery, including:

7 a. The extent, nature, and location of discovery anticipated by the
8 parties;

9 b. Suggested changes, if any, to the discovery limitations imposed by
10 the Federal Rules of Civil Procedure;

11 c. The number of hours permitted for each deposition, unless extended
12 by agreement of the parties.

13 12. Proposed specific dates for each of the following (deadlines should fall on a
14 Friday unless impracticable):

15 a. A deadline for the completion of fact discovery² and disclosure
16 pursuant to Rule 26(a)(3);

17 b. Dates for complete disclosures of expert testimony under Rule
18 26(a)(2)(C) of the Federal Rules of Civil Procedure;³

19 c. A deadline for completion of all expert depositions;

20 d. A deadline for filing dispositive motions;

22 ² The discovery deadline is the date by which all discovery must be completed. Discovery requests
23 must be served and depositions noticed sufficiently in advance of this date to ensure reasonable
24 completion by this deadline, including time to resolve discovery disputes. Absent extraordinary
circumstances, the Court will not entertain discovery disputes after this deadline.

25 ³ No expert witness not timely disclosed will be permitted to testify unless the party offering such
26 witness demonstrates: (a) that the necessity of such expert witness could not have been reasonably
27 anticipated at the time of the deadline for disclosing such expert witness; (b) the Court and opposing
28 counsel or unrepresented party were promptly notified upon discovery of such expert witness; and
(c) that such expert witness was promptly proffered for deposition. *See Wong v. Regents of the
Univ. of Cal.*, 2004 WL 1837752, 379 F.3d 1097, 1103 (9th Cir. August 18, 2004).

1 e. A date by which the parties shall have engaged in good faith
2 settlement talks.

3 13. Whether a jury trial has been requested and whether the request for a jury
4 trial is contested (if the request is contested, set forth the reasons);

5 14. The estimated length of trial and any suggestions for shortening the trial;

6 15. The prospects for settlement, including any request of the Court for
7 assistance in settlement efforts; and

8 16. Any other matters that will aid the Court and parties in resolving this case in
9 a just, speedy, and inexpensive manner as required by Federal Rule of Civil Procedure 1.

10 The parties shall jointly file the Case Management Report with the Clerk not less
11 than seven calendar days before the Case Management Conference (absent extraordinary
12 circumstances, no extensions of time will be granted). It is the responsibility of
13 Plaintiff(s) to initiate the Rule 26(f) Meeting and preparation of the joint Case
14 Management Report. Defendant(s) shall promptly and cooperatively participate in the
15 Rule 26(f) Meeting and assist in preparation of the Case Management Report.

16 CASE MANAGEMENT CONFERENCE AND ORDER

17 The Court directs counsel to Rule 16 of the Federal Rules of Civil Procedure for
18 the objectives of the Case Management Conference. Counsel who will be responsible for
19 trial of the lawsuit for each party shall appear and participate in the Case Management
20 Conference and shall have authority to enter into stipulations regarding all matters that
21 may be discussed. A continuance of the Case Management Conference will be granted
22 only for good cause and will not be granted beyond the time limit set forth in Federal
23 Rule of Civil Procedure Rule 16(b).

24 During or after the Case Management Conference the Court will enter a Case
25 Management Order. The form of the Court's standard Case Management Order can be
26 found on the Court's website at www.azd.uscourts.gov under Judges & Courtrooms;
27 Orders, Forms & Procedures; Judge Wake. The Court fully intends to enforce the
28 deadlines in the Case Management Order. The parties should plan their litigation

1 activities accordingly.

2 OTHER MATTERS

3 Counsel for all parties are expected to comply fully with the Federal Rules of Civil
4 Procedure and Local Rules and to minimize the expense of discovery.

5 Counsel should ensure that all pleadings comply with LRCiv 7.1 and LRCiv 7.2.

6 The Clerk of the Court shall send copies of this Order to all counsel of record and
7 to any parties appearing in propria persona.

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