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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

No. CV -PHX ROS

Plaintiff,

vs.

Defendant.

PROPOSED CASE MANAGEMENT PLAN

Pursuant to the Court’s Order Setting Scheduling Conference at Case Management Meeting, the parties and counsel shall prepare a **Proposed Case Management Plan** and file it with the **Proposed Scheduling Order** and the **Plan** shall include individually numbered statements indicating:

1. The nature of the case, including the factual and legal basis of Plaintiff's claims and Defendant's defenses.
2. A list of the elements of proof necessary for each count of the Complaint and each Affirmative Defense and, if applicable, each Counterclaim. For those claims in which the burden of proof shifts, the elements that the party must prove in order to prevail must be listed. The list of the elements of proof must contain citations to relevant legal authority (i.e., United States statutory and/or administrative law, U.S. Supreme Court cases, Ninth Circuit Court of Appeals case law, Arizona State case and statutory law, and other authority as dictated by the conflict of law rules).
3. The factual and legal issues genuinely in dispute, and whether they can be narrowed by stipulation or motion.
4. The jurisdictional basis of the case, citing specific statutes.

1 5. Parties, if any, which have not been served, as well as parties which have not filed an
2 answer or other appearance. Unless counsel can otherwise show cause, the **Proposed Case**
3 **Management Plan** shall be accompanied by a proposed order dismissing any party that has not
4 been served, or appropriate pleadings seeking default judgment against any non-appearing party.

5 6. The names of parties not subject to the Court's jurisdiction.

6 7. Whether there are dispositive issues to be decided by pretrial motions and hearings
7 including evidentiary hearings pursuant to Daubert and/or Fed.R. Evid. 702.

8 8. Whether the case is suitable for reference to arbitration, to a master, and/or to a United
9 States Magistrate Judge for all further proceedings.

10 9. The status of related cases pending before other judges of this Court or before other
11 courts.

12 10. Suggested changes in the timing, form, or requirement for disclosure under Rule 26(a),
13 Fed.R.Civ.P., including a statement of when initial disclosures were made or will be made.

14 11. Suggested changes, if any, on the limitations imposed by Fed.Rs.Civ.P. 30, 31 and 33.

15 12. The scope of discovery, the date discovery should be completed, and whether discovery
16 should be conducted in phases or should be limited to or focused upon particular issues. For
17 example, when dispositive motions will be filed counsel should consider limiting discovery to the
18 issue to be addressed in the motion until the Court has ruled on it.

19 13. The final date for supplementation of discovery, that shall be scheduled two to three
20 weeks after the close of discovery. Under no circumstances will the final date for supplementation
21 occur after the date for filing dispositive motions. The parties and counsel are reminded of the
22 duty pursuant to Fed.R.Civ.P. 26(e) to supplement all Rule 26(a) disclosures and all responses to
23 discovery requests before the date of the close of discovery or on the final date for supplementing
24 discovery. Fed.R.Civ.P. 26(a)(3) disclosures of witnesses and exhibits which may be offered at
25 trial must be disclosed before the close of discovery or, if agreed, on the final date for
26 supplementation. This requirement supersedes the "30 days before trial" disclosure deadline in
27 Fed.R.Civ.P 26(a)(3). Therefore, (1) failure to timely supplement Rule 26(a) disclosures,
28 including the witnesses and exhibits for trial, (2) failure to timely supplement responses to any

1 valid discovery request, and (3) attempts to include witnesses or exhibits in the **Joint Proposed**
2 **Final Pretrial Order** that were not previously disclosed in a timely manner shall result in the
3 exclusion of such evidence at trial or the imposition of other appropriate sanctions pursuant to
4 Fed.R.Civ.P. 37, the Local Rules of the District Court, and the inherent power of the Court.

5 14. The proposed deadlines for (a) disclosure of experts and testimony under
6 Rule 26(a)(2) of the Fed.R.Civ.P.; (b) the filing of procedural motions including motions to
7 amend, consolidate, and join additional parties; (c) the filing of one dispositive motion per
8 party;(d) and the lodging of the **Joint Proposed Pretrial Order**.

9 15. The estimated date the case will be ready for trial, the anticipated length of trial, and
10 any suggestions for shortening the trial.

11 16. Whether a jury trial has been requested.

12 17. The prospects for settlement, including requests for a settlement conference before
13 another United States District Court Judge or Magistrate Judge, or other requests of the Court for
14 assistance in settlement efforts.

15 18. In class actions, the proposed dates for class certification proceedings and other class
16 management issues. Such certification will result in the case being reassigned to the **complex**
17 **track** for case management purposes.

18 19. Whether any unusual, difficult, or complex problems or issues exist which would
19 require that this case be placed on the **complex track** for case management purposes.

20 20. The e-mail address of respective counsel or parties.

21 21. Any other matters that counsel believe will aid the Court in resolving this dispute in
22 a just, speedy, and inexpensive manner.

23 DATED this _____ day of _____, 200_.

24
25 _____
26 Signatures of the parties or counsel
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