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

❖,
Plaintiff(s),
vs.
❖,
Defendant(s).

No. CV ____ - _____ -PHX-MHM

**ORDER SETTING RULE 16 CASE
MANAGEMENT CONFERENCE**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a Case Management Conference is set for ❖ in Courtroom 505, 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:

A. Initial Disclosures

The parties must provide initial disclosures in the form and on the schedule 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 should not be filed.

B. Rule 26(f) Meeting and Case Management Report

The parties are directed to meet and confer at least 10 days before the Case Management Conference as required by Federal Rule of Civil Procedure 26(f). At this meeting the parties must develop a **joint** Case Management Report that contains the following information in separately numbered paragraphs:

1. The parties who attended the Rule 26(f) meeting and assisted in developing the

1 Case Management Report;

2 2. A list of all of the parties in the case, including any parent corporations or
3 entities (for recusal purposes);

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

6 4. The jurisdictional basis for the case, describing the basis for the jurisdiction
7 and citing specific jurisdictional statutes;¹

8 5. Any parties which have not been served and an explanation of why they have
9 not been served; and any parties which have been served but have not answered or otherwise
10 appeared;

11 6. A statement of whether any party expects to add additional parties to the case
12 or otherwise amend pleadings (the Court will set a deadline of not later than 60 days after the
13 Case Management Conference to join parties or amend pleadings);

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

16 8. Whether the case is suitable for reference to a United States Magistrate Judge
17 for a settlement conference or trial;

18 9. The status of any related cases pending before other courts or other judges in
19 this Court;

21 ¹ If jurisdiction is based on diversity of citizenship, then the report must include a statement
22 of the citizenship of every party and a description of the amount in dispute. *See* 28 U.S.C.
23 §1332. The parties are reminded that (1) a corporation is a citizen of the state where it is
24 incorporated and the state of its principal place of business, and (2) partnerships and limited
25 liability companies are citizens of every state in which one of their members or partners
26 resides. *See* 28 U.S.C. §1332(c); *Indus. Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9th
27 Cir. 1990); *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 692
28 (7th Cir. 2003). The parties are further reminded that the Federal Rules of Civil Procedure
do not provide for the use of fictitious parties and that the naming of a “John Doe” or “ABC
Corporation” party “casts no magical spell on a complaint otherwise lacking in diversity
jurisdiction.” *Fifty Assocs. v. Prudential Ins. Co. of Am.*, 446 F.2d 1187, 1191 (9th Cir.
1970) (citations omitted).

1 10. A statement of when the parties exchanged Federal Rule of Civil Procedure
2 26(a) initial disclosures;

3 11. A discussion of any issues relating to disclosure or discovery of electronically
4 stored information, including the form or forms by which it should be produced (see
5 Rules 16(b)(5), 26(f)(3));

6 12. A discussion of any issues relating to claims of privilege or work product (see
7 Rules 16(b)(6), 26(f)(4));

8 13. A discussion of necessary discovery, including:

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

10 b. Suggested changes, if any, to the discovery limitations imposed by the
11 Federal Rules of Civil Procedure and Local Rule of Civil Procedure
12 16.2;

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

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

17 a. Dates for full and complete expert disclosures under Federal Rule of
18 Civil Procedure 26(a)(2)(A)-(C);

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

20 c. A deadline for the completion of fact discovery;²

21 d. A deadline for filing dispositive motions.

22 15. Whether a jury trial has been requested and whether the request for a jury trial
23 is contested (if the request is contested, briefly set forth the reasons);

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

- 1 16. The estimated length of trial and any suggestions for shortening the trial;
- 2 17. The prospects for settlement, including any request to the Court for assistance
- 3 in settlement efforts;
- 4 18. Any other matters that will aid the Court and parties in resolving this case in
- 5 a just, speedy, and inexpensive manner as required by Federal Rule of Civil Procedure 1.

6 The parties must **jointly** file the Case Management Report with the Clerk not less than

7 seven days before the Case Management Conference. It is the responsibility of Plaintiff(s)

8 to initiate the Rule 26(f) meeting and preparation of the joint Case Management Report.

9 Defendant(s) must promptly and cooperatively participate in the Rule 26(f) meeting and

10 assist in preparation of the Case Management Report.

11 **C. Case Management Conference and Order**

12 The Court directs counsel to Federal Rule of Civil Procedure 16 for the objectives of

13 the Case Management Conference. Counsel who will be responsible for trial of the lawsuit

14 for each party must appear and participate in the Case Management Conference if they office

15 in Maricopa County. All counsel who office outside Maricopa County must advise the Court

16 three days prior to this Conference if they plan to participate by telephone, otherwise they

17 will be expected to personally appear. Counsel appearing for the Case Management

18 Conference shall have authority to enter into stipulations regarding all matters that may be

19 discussed. A continuance of the Case Management Conference will be granted only for good

20 cause and will not be granted beyond the time limit set forth in Federal Rule of Civil

21 Procedure 16(b).

22 During or after the Case Management Conference the Court will enter a Case

23 Management Order. The form of the Court's standard Case Management Order can be found

24 on the Court's website at www.azd.uscourts.gov under Judges & Courtrooms/Orders, Forms

25 & Procedures/Judge Murguia. **The Court fully intends to enforce the deadlines in the**

26 **Case Management Order. No extensions to the dispositive motions cutoff date will be**

27 **granted due to case processing problems, discovery disputes, or settlement negotiations.**

28 **The parties should plan their litigation activities accordingly.**

1 D. Corporate Disclosure Statement

2 Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, any nongovernmental
3 corporate party to an action or proceeding must file a Corporate Disclosure Statement. If not
4 previously filed, the Court directs any nongovernmental corporate party to file its Corporate
5 Disclosure Statement within 10 days of receipt of this Order. Forms are available on the
6 Court's website.

7 E. Other Matters

8 Counsel for all parties are expected to comply fully with the Federal and Local Rules
9 of Civil Procedure and to minimize the expense of discovery. Counsel must also abide by
10 the Court's "Rules of Practice in Civil Cases," which can be found on the Court's website
11 at www.azd.uscourts.gov under Judges & Courtrooms/Orders, Forms & Procedures/Judge
12 Murguia. All pleadings must comply with Local Rules of Civil Procedure 7.1 and 7.2.

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

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