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

,

Plaintiff(s),

v.

,

Defendant(s).

No.

**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 _____ at _____ in Courtroom ____, Sandra Day O'Connor United States Courthouse, 401 West Washington Street, Phoenix, Arizona 85003-2120. In preparation for this Case Management Conference,

IT IS ORDERED:

INITIAL DISCLOSURES

The parties shall provide initial disclosures in the form and on the schedule required by Federal Rule of Civil Procedure 26(a). The parties must file with the Clerk of the Court a Notice of Initial Disclosure; the parties should not file copies of the actual disclosures.

COMMENCEMENT OF DISCOVERY

The limitation on the commencement of formal discovery set forth in Federal Rule of Civil Procedure 26(d)(1) is waived. Formal discovery may commence at any time after the appearance of the party from whom discovery is sought.

1 CORPORATE DISCLOSURE STATEMENT

2 Pursuant to Federal Rule of Civil Procedure 7.1, and Local Rule 7.1.1, any
3 nongovernmental corporate party to an action or proceeding must file a Corporate
4 Disclosure Statement. If not previously filed, any nongovernmental corporate party must
5 file its Corporate Disclosure Statement within fourteen days of receipt of this Order.
6 Forms are available at www.azd.uscourts.gov under “Rules, General Orders & Forms.”

7 RULE 26(f) MEETING AND CASE MANAGEMENT REPORT

8 The parties must meet and confer at least fourteen days before the Case
9 Management Conference. *See* Fed. R. Civ. P. 26(f)(1). At this Rule 26(f) Meeting, the
10 parties shall develop a joint Case Management Report that contains the following
11 information in separately numbered paragraphs.

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

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

16 3. A short statement of the nature of the case (**3 pages or less**), including a
17 description of each claim and defense.

18 4. A description of the principal factual and legal disputes in the case.

19 5. The jurisdictional basis for the case, citing specific jurisdictional statutes.¹

20 6. Any parties that have not been served and an explanation of why they have
21 not been served, and any parties that have been served but have not answered or
22 otherwise appeared. Unless counsel can otherwise show cause, an order shall accompany
23

24 ¹ If jurisdiction is based on diversity, the basis shall include a statement of the
25 citizenship of every party and the amount in dispute. *See* 28 U.S.C. § 1332. The parties
26 are reminded that (1) a corporation is a citizen of the state where it is incorporated and
27 the state of its principal place of business, and (2) partnerships and limited liability
28 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); *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

1 the joint report dismissing any fictitious or unnamed parties, any party that has not been
2 served, or appropriate pleadings seeking default judgment on any non-appearing party.

3 7. A statement of whether any party expects to add parties to the case or
4 otherwise to amend pleadings (the Court will set a deadline of no later than sixty days
5 after the Case Management Conference to join parties or amend pleadings).

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

9 9. The status of related cases pending before other judges of the District of
10 Arizona or before other courts.

11 10. A statement of when the parties exchanged Rule 26(a) initial disclosures.

12 11. A discussion of necessary discovery, including:

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

15 b. Suggested changes, if any, to the discovery limitations imposed by
16 the Federal Rules of Civil Procedure; and,

17 c. Suggested changes, if any, to the number of hours permitted for each
18 deposition, unless extended by agreement of the parties. *See Fed. R. Civ. P. 30(d)(1).*

19 12. A discussion of any issues relating to disclosure or discovery of
20 electronically stored information, including the form or forms in which it should be
21 produced. *See Fed. R. Civ. P. 16(b)(3)(B); 26(f)(3)(C).*

22 13. A discussion of any issues relating to claims of privilege or work product.
23 *See Fed. R. Civ. P. 16(b)(3)(B); 26(f)(3)(D).*

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

26 a. A deadline for the completion of discovery (the parties may propose
27 bifurcated discovery with staggered deadlines for the completion of fact and expert
28

1 discovery, or they may propose a deadline for the completion of all discovery);²

2 b. Deadlines for completion Rule 26(a)(2)(A)-(E) expert disclosures
3 (the parties may propose staggered deadlines for expert disclosures and may include
4 deadlines for rebuttal experts);

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

6 d. A deadline for filing dispositive motions; and

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

9 15. Whether a jury trial has been requested, whether the request for a jury trial
10 is contested and, if so, the reasons why the request is contested.

11 16. The estimated length of trial and any suggestions for shortening the trial.

12 17. The prospects for settlement, including any request for the Court's
13 assistance in settlement efforts such as referring the matter to another magistrate judge
14 for a settlement conference.

15 18. Any other matters that will aid the Court and parties in resolving this case
16 in a just, speedy, and inexpensive manner. *See* Fed R. Civ. P. 1.

17 The parties must jointly file the Case Management Report with the Clerk of Court
18 at least seven days before the Case Management Conference. Plaintiff(s) must initiate the
19 Rule 26(f) Meeting and preparation of the joint Case Management Report. Defendant(s)
20 must promptly and cooperatively participate in the Rule 26(f) Meeting and assist in
21 preparation of the Case Management Report.

22 CASE MANAGEMENT CONFERENCE AND ORDER

23 The Court directs counsel to Federal Rule of Civil Procedure 16 for the objectives
24 of the Case Management Conference. Counsel who will be responsible for trial of the

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

1 lawsuit for each party must appear and participate in the Case Management Conference
2 and must have authority to enter into stipulations regarding all matters that may be
3 discussed. The Court will grant a continuance of the Case Management Conference only
4 for good cause and will not grant a continuance beyond the time limit set forth in Federal
5 Rule of Civil Procedure 16(b).

6 After the Case Management Conference, the Court will enter a Case Management
7 Order. The form of the Court's standard Case Management Order can be found on the
8 Court's website at www.azd.uscourts.gov under "Judges' Information, Orders, Forms &
9 Procedures/Bridget S. Bade." The Court will enforce the deadlines in the Case
10 Management Order. The parties should plan their litigation activities accordingly.

11 OTHER MATTERS

12 The parties are expected to comply fully with the Federal Rules of Civil Procedure
13 and the Local Rules of Practice for the District Court, and to minimize the expense of
14 discovery. All pleadings and motions must comply with the Local Rules. *See* LRCiv 7.1
15 and 7.2.

16 Dated this _____ day of _____, _____.

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Bridget S. Bade
United States Magistrate Judge