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

<p>x</p> <p style="text-align: center;">Plaintiff(s),</p> <p>v.</p> <p>x</p> <p style="text-align: center;">Defendant(s).</p>	<p style="text-align: right;">No. CV-19</p>  <p style="text-align: center;"><b>CASE MANAGEMENT ORDER</b></p>
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On (date), a Case Management Conference was held pursuant to Rule 16(b) of the Federal Rules of Civil Procedure. The parties met before the conference in accordance with Rule 26(f) and prepared a Case Management Report (Doc. x). On the basis of the Case Management Conference, the Court enters the following Case Management Order to govern the litigation in this case:

1. Mandatory Initial Discovery Pilot Project. This case is subject to the Mandatory Initial Discovery Pilot Project (“MIDP”) implemented by General Order 17-08. The parties must comply with the requirements of the MIDP, and need not make the initial disclosures required by Federal Rule of Civil Procedure 26(a). If responses required by the MIDP have not been exchanged, they shall be exchanged by \_\_\_\_\_.

2. Deadline for Joining Parties, Amending Pleadings, and Filing Supplemental Pleadings. The deadline for motions to join parties, amend pleadings, and file supplemental pleadings is **60 days** from the date of this Order.

1           3.     Discovery Limitations. Depositions shall be limited to seven hours each as  
2 provided in Rule 30(d)(1) of the Federal Rules of Civil Procedure. Each side may propound  
3 up to 25 interrogatories, including subparts, 25 requests for production of documents,  
4 including subparts, and 25 requests for admissions, including subparts.

5           4.     MIDP Responses and Fact Discovery. The deadline for final  
6 supplementation of MIDP responses and the completion of fact discovery, including  
7 discovery by subpoena, shall be \_\_\_\_\_.<sup>1</sup> To ensure compliance with this  
8 deadline, the following rules shall apply:

9           a.     Written Discovery: All interrogatories, requests for production of  
10 document, and requests for admissions shall be served at least **45 days** before the discovery  
11 deadline.

12           b.     The parties may mutually agree in writing, without Court approval, to  
13 extend the time provided for discovery responses in Rules 33, 34, and 36 of the Federal  
14 Rules of Civil Procedure. Such agreed-upon extensions, however, shall not alter or extend  
15 the discovery deadlines set forth in this Order.

16           5.     Expert Disclosures and Discovery.

17           a.     Plaintiff(s) shall provide full and complete expert disclosures, as  
18 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure, no later than  
19 \_\_\_\_\_.

20           b.     Defendant(s) shall provide full and complete expert disclosures, as  
21 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure, no later than  
22 \_\_\_\_\_.

23  
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25 \_\_\_\_\_  
26           <sup>1</sup> General Order 17-08 implements the MIDP and should be reviewed carefully. It  
27 requires parties to timely supplement their MIDP responses as new information is  
28 discovered. Parties who fail to timely disclose relevant information will be precluded from  
using it in the case and may be subject to other sanctions. Parties who unreasonably  
postpone disclosure of relevant information to the end of the discovery period will also be  
subject to sanctions.

1 c. Rebuttal expert disclosures, if any, shall be made no later than  
2 \_\_\_\_\_ . Rebuttal experts shall be limited to responding to opinions stated by  
3 initial experts.

4 d. Expert depositions shall be completed no later than \_\_\_\_\_ .

5 e. Disclosures under Rule 26(a)(2)(A) must include the identities of  
6 treating physicians and other witnesses who will provide testimony under Federal Rules of  
7 Evidence 702, 703, or 705, but who are not required to provide expert reports under Rule  
8 26(a)(2)(B). Rule 26(a)(2)(C) disclosures are required for such witnesses on the dates set  
9 forth above. Rule 26(a)(2)(C) disclosures must identify not only the subjects on which the  
10 witness will testify, but must also provide a summary of the facts and opinions to which  
11 the expert will testify. The summary, although clearly not as detailed as a Rule 26(a)(2)(B)  
12 report, must be sufficiently detailed to provide fair notice of what the expert will say at  
13 trial.<sup>2</sup>

14 f. As stated in the Advisory Committee Notes to Rule 26 (1993  
15 Amendments), expert reports under Rule 26(a)(2)(B) must set forth “the testimony the  
16 witness is expected to present during direct examination, together with the reasons  
17 therefor.” Full and complete disclosures of such testimony are required on the dates set  
18 forth above; absent extraordinary circumstances, parties will not be permitted to  
19 supplement expert reports after these dates. The Court notes, however, that it usually  
20 permits parties to present opinions of their experts that were elicited by opposing counsel  
21 during depositions of the experts. Counsel should depose experts with this fact in mind.

22 g. Each side shall be limited to one retained or specifically employed  
23 expert witness per issue.

24 6. Discovery Disputes.

25 \_\_\_\_\_  
26 <sup>2</sup> In *Goodman v. Staples The Office Superstore, LLC*, 644 F.3d 817 (9<sup>th</sup> Cir. 2011),  
27 the Ninth Circuit held that “a treating physician is only exempt from Rule 26(a)(2)(B)’s  
28 written report requirement to the extent that his opinions were formed during the course of  
treatment.” *Id.* at 826. Thus, for opinions formed outside the course of treatment, Rule  
26(a)(2)(B) written reports are required. *Id.* For opinions formed during the course of  
treatment, Rule 26(a)(2)(C) disclosures will suffice.

1 a. If a discovery dispute arises, the parties promptly may call and shall  
2 email, with a copy to opposing counsel, the Court (602-322-7630;  
3 [fine\\_chambers@azd.uscourts.gov](mailto:fine_chambers@azd.uscourts.gov)) to request a telephone conference concerning the  
4 dispute.<sup>3</sup> The email should state the nature of the dispute in one to three sentences. The  
5 Court will seek to resolve the dispute during the telephone conference, and may enter  
6 appropriate orders on the basis of the telephone conference. The Court may order written  
7 briefing before the telephone conference and/or after the telephonic appearance if the  
8 dispute does not resolve during the telephone conference. The parties shall not file written  
9 discovery motions without leave of Court.<sup>4</sup>

10 b. Parties shall not contact the Court concerning a discovery dispute  
11 without first seeking to resolve the matter through personal consultation and sincere effort  
12 as required by Local Rule of Civil Procedure 7.2(j). Any briefing ordered by the Court  
13 shall also comply with Local Rule of Civil Procedure 7.2(j).

14 c. Absent extraordinary circumstances, the Court will not entertain fact  
15 discovery disputes after the deadline for completion of fact discovery, and will not entertain  
16 expert discovery disputes after the deadline for completion of expert discovery.

17 7. Dispositive Motions.

18 a. Dispositive motions shall be filed no later than \_\_\_\_\_.

19 b. No party shall file more than one motion for summary judgment under  
20 Rule 56 of the Federal Rules of Civil Procedure without leave of court.

21 c. Statements of fact required by Local Rule of Civil Procedure 56.1  
22 shall not exceed ten pages in length, exclusive of exhibits.

23 d. The parties shall not notice oral argument on any motion. Instead, a  
24 party desiring oral argument shall place the words "Oral Argument Requested"

25 \_\_\_\_\_

26 <sup>3</sup> The Court welcomes a courtesy call to chambers that a discovery dispute email  
27 has been sent.

28 <sup>4</sup> The prohibition on "written discovery motions" includes any written materials  
delivered or faxed to the Court, including hand-delivered correspondence with  
attachments.

1 immediately below the title of the motion pursuant to Local Rule of Civil Procedure 7.2(f).  
2 The Court will issue an order scheduling oral argument as it deems appropriate.

3 8. Good Faith Settlement Talks. All parties and their counsel shall meet in  
4 person and engage in good faith settlement talks no later than \_\_\_\_\_. Upon  
5 completion of such settlement talks, and in no event later than five working days after the  
6 deadline set forth in the preceding sentence, the parties shall file with the Court a joint  
7 report on settlement talks executed by or on behalf of all counsel. The report shall inform  
8 the Court that good faith settlement talks have been held and shall report on the outcome  
9 of such talks. The parties shall indicate whether assistance from the Court is needed in  
10 seeking settlement of the case. The parties shall promptly notify the Court at any time  
11 when settlement is reached during the course of this litigation.

12 9. Briefing Requirements.

13 a. All memoranda filed with the Court shall comply with Local Rule of  
14 Civil Procedure 7.1(b) requiring 13 point font in text and footnotes.

15 b. Citations in support of any assertion in the text shall be included in  
16 the text, not in footnotes.

17 10. Deadline for Notice of Readiness for Pretrial Conference.

18 The Plaintiff(s) shall notify the Court that the parties are ready for scheduling a Final  
19 Pretrial Conference pursuant to Rule 16(e). The Plaintiff(s) shall file and serve this notice  
20 within ten (10) days after the dispositive motion deadline if no dispositive motions are  
21 pending on that date. If dispositive motions are pending, Plaintiff(s) shall file and serve  
22 such notice within ten (10) days after the resolution of dispositive motions. The Court will  
23 then issue an Order Setting Final Pretrial Conference that (a) sets deadlines for briefing  
24 motions in limine, (b) includes a form for the completion of the parties' joint proposed  
25 Final Pretrial Order, and (c) otherwise instructs the parties concerning their duties in  
26 preparing for the Final Pretrial Conference. A firm trial date will be set at the Final Pretrial  
27 Conference. Counsel may submit agreed upon proposed trial dates in advance of the Final  
28 Pretrial Conference.

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11. The Deadlines Are Firm. The parties are advised that the Court intends to enforce the deadlines set forth in this Order, and should plan their litigation activities accordingly. The parties are specifically informed that the Court will not, absent truly unusual circumstances, extend the schedule in this case to accommodate settlement talks.