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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

x,

Plaintiff(s),

v.

x,

Defendant(s).

No. CV-

CASE MANAGEMENT ORDER

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. On the basis of the Case Management Conference and the Case Management Report,

IT IS ORDERED that the parties shall comply with the following deadlines:

1. Deadline for Initial Disclosures. Initial disclosure required by Federal Rule of Civil Procedure 26(a), if not already exchanged, shall be exchanged no later than (date). The parties shall file with the Clerk of Court a Notice of Initial Disclosure, rather than copies of the actual disclosures.
2. Deadline for Joining Parties and Amending Pleadings. Motions to join parties or for leave to amend pleadings shall be filed within **sixty days** of this Order.
3. Discovery Limitations. Depositions in this case are limited to seven hours each as provided in Federal Rule of Civil Procedure 30(d)(1). The number of depositions and interrogatories are governed by the limits in Federal Rules of Civil Procedure 30 and

1 33. Therefore, each party is limited to ten depositions and twenty-five interrogatories,
2 including subparts. The procedures for requests for admissions and requests for
3 production in Federal Rules of Civil Procedure 34 and 36 are modified to limit each party
4 to forty requests for production of documents, including subparts, and forty requests for
5 admissions, including subparts. The limitations in this paragraph may be increased by
6 mutual agreement of the parties, but such an increase will not result in an extension of the
7 discovery deadlines set forth below.

8 4. Deadline for Completion of Fact Discovery. The deadline for completing
9 fact discovery shall be (date). To ensure compliance with this deadline, the following
10 rules shall apply:

11 a. Depositions: All depositions shall be scheduled to commence at
12 least **five working days** before the discovery deadline. A deposition commenced five
13 days before the discovery deadline may continue up until the deadline, as necessary.

14 b. Written Discovery: All interrogatories, requests for production of
15 documents, and requests for admissions shall be served at least **forty-five days** before the
16 discovery deadline.

17 c. Notwithstanding LRCiv 7.3, the parties may mutually agree, without
18 Court approval, to extend the time provided for discovery responses in Rules 33, 34, and
19 36 of the Federal Rules of Civil Procedure. Such agreed-upon extensions, however, will
20 not alter or extend the discovery deadlines set forth in this Order.

21 d. Special Provisions Regarding Rule 34 Responses: Objections to
22 Rule 34 document production requests shall be stated with specificity; general or
23 boilerplate objections are not permitted. Document production in response to a Rule 34
24 request must be completed no later than the time specified in the request or another
25 reasonable time specified in the response. An objection to a Rule 34 request must state
26 whether any responsive materials have been withheld on the basis of that objection.
27 Further, if one or more documents are withheld on the basis of privilege, a privilege log
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1 must be produced with the responses to that discovery containing the information set
2 forth in Federal Rule of Civil Procedure 26(b)(5).

3 e. Special Provisions Regarding Rule 33 Responses: Objections to
4 Rule 33 Responses shall state whether any information has been withheld on the basis of
5 an objection.

6 5. Deadlines for Disclosure of Experts and Completion of Expert Discovery.

7 a. The Plaintiff(s) shall provide full and complete expert disclosures as
8 required by Rule 26(a)(2)(A)-(E) of the Federal Rules of Civil Procedure no later than
9 (date).

10 b. The Defendant(s) shall provide full and complete expert disclosures
11 as required by Rule 26(a)(2)(A)-(E) of the Federal Rules of Civil Procedure no later than
12 (date).

13 c. Rebuttal expert disclosure, if any shall be made no later than (date).
14 Rebuttal experts shall be limited to responding to opinions stated by initial experts.

15 d. Expert depositions shall be completed no later than (date). As with
16 fact witness depositions, expert depositions shall be scheduled to commence at least five
17 working days before the deadline.

18 e. Disclosures under Rule 26(a)(2)(A) must include the identities of
19 treating physicians and other witnesses who will provide testimony under Rules 702, 703
20 or 705 of the Federal Rules of Evidence, but who are not required to provide expert
21 reports under Rule 26(a)(2)(B). Rule 26(a)(2)(C) disclosures are required for such
22 witnesses on the dates set forth above. Rule 26(a)(2)(C) disclosures must identify not
23 only the subjects on which the witnesses will testify, but must also provide a summary of
24 the facts and opinions to which the expert will testify. The summary, although not as
25 detailed as a Rule 26(a)(2)(B) report, must be sufficiently detailed to provide fair notice
26 of what the expert will say.¹

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28 ¹ A “treating physician is only exempt from Rule 26(a)(2)(B)’s written report
requirement to the extent that his opinions were formed during the course of treatment.”
Goodman v. Staples The Office Superstore, LLC, 644 F.3d 817, 826 (9th Cir. 2011).

1 f. An expert witness who has not been timely disclosed will not be
2 permitted to testify unless the party offering such witness demonstrates that: (a) the
3 necessity of such expert witness could not have been reasonably anticipated at the time of
4 the deadline for disclosing such expert witness; (b) the Court and opposing counsel or
5 unrepresented party were promptly notified upon discovery of such expert witness; and
6 (c) such expert witness was promptly proffered for deposition. *See Wong v. Regents of*
7 *the Univ. of Cal.*, 410 F.3d 1052, 1060 (9th Cir. 2005).

8 g. Each side is limited to one retained or specially employed expert
9 witness per issue.

10 6. Discovery Disputes.

11 a. The parties may not file written discovery motions without leave of
12 Court.² If a discovery dispute arises, the parties must promptly contact the Court to
13 request a telephonic conference concerning the dispute. The Court will seek to resolve
14 the dispute during the telephonic conference, and may enter appropriate orders on the
15 basis of the telephone conference. The Court may order written briefing if necessary.

16 b. The parties shall not contact the Court concerning a discovery
17 dispute without first seeking to resolve the matter through personal consultation and
18 sincere effort as required by LRCiv 7.2(j). Any briefing ordered by the Court shall also
19 comply with LRCiv 7.2(j).

20 c. Absent extraordinary circumstances, the Court will not entertain fact
21 discovery disputes after the deadline for completion of fact discovery, and will not
22 entertain expert discovery disputes after the deadline for completion of expert discovery.

23 7. Deadline for Filing Dispositive Motions.

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Thus, for opinions formed outside the course of treatment, Rule 26(a)(2)(B) written
27 reports are required. *Id.* For opinions formed during the course of treatment, Rule
28 26(a)(2)(C) disclosures will suffice.

² The prohibition on “written discovery motions” includes any written materials
delivered or faxed to the Court, including hand-delivered “correspondence” with
attachments.

1 a. Dispositive motions shall be filed no later than (date). Such motions
2 must comply in all respects with the Federal Rules of Civil Procedure and the Local
3 Rules of Practice for the District Court.

4 b. No party may file more than one motion for summary judgment
5 under Rule 56 of the Federal Rules of Civil Procedure unless permission is first obtained,
6 by joint telephone call, from the Court.

7 c. Failure to respond to a motion within the time periods provided in
8 LRCiv 7.2 will be deemed consent to the granting of the motion and the Court may
9 dispose of the motion summarily pursuant to LRCiv 7.2(i).

10 d. The parties shall not notice oral argument on any motion. Instead, a
11 party desiring oral argument shall place the words “Oral Argument Requested”
12 immediately below the title of the motion pursuant to LRCiv 7.2(f). The Court will issue
13 an order scheduling oral argument as it deems appropriate.

14 8. Deadline for Engaging in Good Faith Settlement Talks. All parties and
15 their counsel shall meet in person and engage in good faith settlement talks no later than
16 (date). Upon completion of such settlement talks, and in no event later than seven
17 working days after the deadline set forth in the preceding sentence, the parties shall file
18 with the Court a Joint Report on Settlement Talks executed by or on behalf of all counsel.
19 The Report shall inform the Court whether good faith settlement talks have been held or
20 not and shall report on whether assistance from the Court is needed or wanted in seeking
21 settlement of the case. Substantive information such as offers and counteroffers shall not
22 be in the Report. The parties shall promptly notify the Court at any time when settlement
23 is reached during the course of this litigation.

24 9. Deadline for Notice of Readiness for Pretrial Conference. The Plaintiff(s)
25 shall notify the Court that the parties are ready for scheduling of a Final Pretrial
26 Conference pursuant to Rule 16(e) of the Federal Rules of Civil Procedure. The
27 Plaintiff(s) shall file and serve this notice within ten days after the dispositive motion
28 deadline if no dispositive motions are pending on that date. If dispositive motions are

1 pending, Plaintiff(s) shall file and serve such notice within ten days after the resolution of
2 dispositive motions. The Court will then issue an Order Setting Final Pretrial Conference
3 that (a) sets deadlines for briefing motions in limine, (b) includes a form for the
4 completion of the parties' joint proposed Final Pretrial Order, and (c) otherwise instructs
5 the parties concerning their duties in preparing for the Final Pretrial Conference. A firm
6 trial date will be set at the Final Pretrial Conference.³

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

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26 _____
27 ³ To accommodate the schedules of the parties, witnesses and counsel (and if the
28 parties concur), the Court will set a firm trial date for a day and time requested by counsel
if such date is available on the Court's calendar. Counsel may submit a stipulation
requesting a specific proposed trial date before the Final Pretrial Conference.