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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

\_\_\_\_\_,  
Plaintiff(s),  
v.  
\_\_\_\_\_,  
Defendant(s).

No. CV-\_\_\_\_\_-JJT  
**RULE 16 SCHEDULING ORDER**

Pursuant to the terms of the Joint Proposed Case Management Plan and the representations made by the parties at the Pretrial Scheduling Conference, all parties shall comply with the deadlines established in this Order.

**IT IS ORDERED** as follows:

The Court will strictly enforce the deadlines set forth in this Rule 16 Scheduling Order. Furthermore, the Court will not grant extensions to the dispositive motion cutoff date due to case processing problems, discovery disputes, or settlement negotiations.

The Federal Rules of Civil Procedure (Fed. R. Civ. P.), as amended April 26, 2018, shall apply to all proceedings concerning this case, except to the extent they are inconsistent with General Order 17-08 (D. Ariz. as amended Nov. 1, 2018) or this Order, in which case the provisions of General Order 17-08 and this Order control.

1. All mandatory initial discovery responses must be made within the deadlines set by General Order 17-08. The parties may not opt out of compliance with the provisions of General Order 17-08.

1           2. Pursuant to General Order 17-08 at 3 ¶ 7, the parties shall file with the  
2 Clerk of the Court a Notice of Service rather than copies of the actual discovery  
3 responses and later supplements.

4           3. Motions to amend the Complaint and to join additional parties shall be filed  
5 no later than \_\_\_\_\_.

6           4. Fact discovery shall be completed by \_\_\_\_\_.

7           5. Plaintiff(s) shall disclose the identity of all persons whom they may call at  
8 trial to present evidence under Rules 702, 703, 704, or 705 of the Federal Rules of  
9 Evidence (Fed. R. Evid.) no later than \_\_\_\_\_.

10 Defendant(s) shall disclose the identity of all persons whom they may call at trial to  
11 present evidence under Fed. R. Evid. 702, 703, 704, or 705 no later than  
12 \_\_\_\_\_. The parties shall disclose the identity of all rebuttal  
13 expert testimony no later than \_\_\_\_\_. These disclosures  
14 shall be full and complete as required by Fed. R. Civ. P. 26(a)(2)(A)-(C).

15           The disclosures of the identities of all persons whom a party may call at trial to  
16 present evidence under Fed. R. Evid. 702, 703, 704, or 705 shall also include all of the  
17 disclosures required by Fed. R. Civ. P. 26(a)(2)(B) if the witness is either (1) retained or  
18 specifically employed to provide expert testimony in the case, or (2) is an agent or  
19 employee of the party offering the testimony whose duties regularly involve giving expert  
20 testimony. No deposition of any expert witness shall occur before the disclosures  
21 concerning expert witnesses mandated by this Order are made. Expert reports disclosed  
22 under Fed. R. Civ. P. 26(a)(2)(B) must set forth “the testimony the witness is expected to  
23 present during direct examination, together with the reasons therefor.” Full and complete  
24 disclosures of such testimony are required on or before the dates set forth above; absent  
25 truly extraordinary circumstances, parties will not be permitted to supplement their expert  
26 reports after these dates.

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1           6.     Discovery by interrogatory shall be governed by Fed. R. Civ. P. 33 unless  
2 otherwise ordered by the Court. Therefore, there is a limit of twenty-five (25)  
3 interrogatories, including discrete subparts.

4           7.     With regard to responses to requests for admission, requests for production,  
5 and interrogatories, the Federal Rules of Civil Procedure do not permit “general” or  
6 “global” objections. Accordingly, the Court will neither consider nor rule on objections  
7 that are not specific to the individual request propounded.

8           8.     Depositions shall be limited as provided by Fed. R. Civ. P. 30 and 31.

9           9.     The parties shall not file written discovery motions without leave of the  
10 Court. Except during a deposition, if a discovery dispute arises and cannot be resolved  
11 despite sincere efforts to resolve the matter through personal consultation (in person or by  
12 telephone), the parties shall jointly file (1) a brief written summary of the dispute, not to  
13 exceed one page per side, with an explanation of the position taken by each side; and (2)  
14 a joint written certification that counsel or the parties have attempted to resolve the matter  
15 through personal consultation and sincere effort as required by Local Rule of Civil  
16 Procedure (LRCiv) 7.2(j) and have reached an impasse. If the opposing party has refused  
17 to personally consult, the party seeking relief shall describe the efforts made to obtain  
18 personal consultation. Upon review of the filed written summary of the dispute, the Court  
19 may set a telephonic conference, order written briefing, or decide the dispute without  
20 conference or briefing. Any briefing ordered by the Court shall also comply with LRCiv  
21 7.2(j). If a discovery dispute arises in the course of a deposition and requires an  
22 immediate ruling of the Court—a circumstance that should be exceedingly rare—the  
23 parties shall jointly contact the Court telephonically. The Court will not entertain  
24 discovery disputes after the close of discovery absent truly extraordinary circumstances.

25           10.    All discovery must be completed by \_\_\_\_\_,  
26 including depositions of parties, witnesses and experts; answers to interrogatories; and  
27 supplements to interrogatory answers. This deadline does not alter the duties and  
28 obligations imposed on the parties by Fed. R. Civ. P. 26(e) and General Order 17-08 at 3

1 ¶ 8. Each party shall conduct discovery in an expeditious manner so as to complete any  
2 and all discovery by the deadline. “Complete” includes the time to propound discovery,  
3 the time to answer all propounded discovery, the time for the Court to resolve all  
4 discovery disputes, and the time for the parties to conduct any final discovery  
5 necessitated by the Court’s ruling on any discovery disputes. Thus, the Court will view  
6 with disfavor any “last minute” or “eleventh hour” discovery activity that leaves  
7 insufficient time to undertake additional discovery and requires an extension of the  
8 discovery deadline, and, in such an instance, the Court may deny a requested extension,  
9 exclude evidence, or impose other sanctions.

10 11. With regard to the duty to supplement discovery under Fed. R. Civ. P.  
11 26(e), the parties must supplement all mandatory initial discovery responses as well as  
12 responses to other discovery requests within the 30-days-from-discovery-or-revelation  
13 deadline set by General Order 17-08 at 3 ¶ 8.

14 12. The parties must complete all pre-trial disclosures required under  
15 Fed. R. Civ. P. 26(a)(3), of all exhibits to be used and all witnesses to be called at trial, on  
16 or before \_\_\_\_\_ so that the parties can complete  
17 meaningful discovery necessitated by those disclosures before the discovery deadline.  
18 This Order supersedes the “30 days before trial” disclosure deadline contained in  
19 Fed. R. Civ. P. 26(a)(3). Therefore, (1) failure to timely supplement responses and  
20 disclosures made under General Order 17-08 and Fed. R. Civ. P. 26(a), including  
21 witnesses and exhibits for trial; (2) failure to timely supplement responses to any valid  
22 discovery requests; and (3) attempts to include witnesses or exhibits in the Joint Proposed  
23 Final Pretrial Order that were not previously disclosed in a timely manner may result in  
24 the exclusion of such evidence at trial or the imposition of other sanctions pursuant to  
25 Fed. R. Civ. P. 37, the Local Rules of the District Court, and the inherent power of the  
26 Court.

27 13. Good faith settlement discussions shall be held no later than

28 \_\_\_\_\_.

1           14. All dispositive motions, **including *Daubert* motions**,<sup>1</sup> shall be filed no later  
2 than \_\_\_\_\_. A party or parties represented by the same  
3 lawyer shall file **no more than one motion for summary judgment** unless leave of  
4 Court is obtained.

5           15. Any party filing a motion for summary judgment, motion for partial  
6 summary judgment, or response thereto, shall not file a statement of facts or  
7 controverting statement of facts exceeding 10 pages in length. LRCiv 56.1 is clear that  
8 parties' statements of fact or controverting fact "should include only those fact on which  
9 the party relies" in support of the motion or response.

10           16. All parties are specifically admonished that pursuant to LRCiv 7.2(i),  
11 if a motion does not conform in all substantial respects with  
12 the requirements of this Local Rule, or if the unrepresented  
13 party or counsel does not serve and file the required  
14 answering memoranda, or if the unrepresented party or  
15 counsel fails to appear at the time and place assigned for oral  
argument, such non-compliance may be deemed a consent to  
the denial or granting of the motion and the Court may  
dispose of the motion summarily.

16           17. If no dispositive motions are pending before the Court when the dispositive  
17 motion deadline has passed, Plaintiff(s) shall file and serve within ten (10) days of the  
18 dispositive motion deadline, a Notice of Readiness for a status conference. If a  
19 dispositive motion is filed, the Court will schedule a status conference as necessary upon  
20 resolution of the motion.

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28           <sup>1</sup> Evidentiary motions made under *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S.  
579 (1993).