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

,

Plaintiff(s),

v.

,

Defendant(s).

No.
CASE MANAGEMENT ORDER

On _____, 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 joint case management report. On the basis of the Case Management Conference and the joint report,

IT IS ORDERED:

1. The Fed.R.Civ.P. as amended December 1, 2015, shall apply to all proceedings concerning this case.
2. 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 _____. The parties must file with the Clerk a Notice of Initial Disclosure, rather than copies of the actual disclosures.
3. Deadline for Joining Parties, Amending Pleadings, and Filing Supplemental Pleadings. The deadline for joining parties, amending pleadings, and filing supplemental pleadings is 60 days from the date of this Order.

1 4. Discovery Limitations. Depositions in this case are limited to seven hours
2 each as provided in Federal Rule of Civil Procedure 30(d)(1). The number of depositions
3 and interrogatories are governed by the limits set forth in Federal Rules of Civil
4 Procedure 30, 31 and 33. Each side also may propound up to 40 requests for production
5 of documents, including subparts, and up to 40 requests for admissions, including
6 subparts. The limitations set forth in this paragraph may be increased by mutual
7 agreement of the parties, but such an increase will not result in an extension of the
8 discovery deadlines set forth below.

9 5. Deadline for Completion of Fact Discovery. The deadline for completing
10 discovery, including discovery by subpoena, shall be _____. To ensure compliance
11 with this deadline, the following rules shall apply:

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

15 b. Written Discovery: All interrogatories, requests for production of
16 documents, and requests for admissions shall be served at least **45 days** before the
17 discovery deadline.

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

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

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

26 b. The Defendant(s) shall provide full and complete expert disclosure
27 as required by Rule 26(a)(2)(A)-(E) of the Federal Rules of Civil Procedure no later
28 _____.

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

4 d. Expert depositions shall be completed no later than _____. As
5 with fact witness depositions, expert depositions shall be scheduled to commence at least
6 five working days before the deadline.

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

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

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

25 _____

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

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

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

11 c. Absent extraordinary circumstances, the Court will not entertain fact
12 discovery disputes after the deadline for completion of fact discovery, and will not
13 entertain expert discovery disputes after the deadline for completion of expert discovery.

14 8. Deadline for Filing Dispositive Motions.

15 a. Dispositive motions shall be filed no later than _____. Such
16 motions must comply in all respects with the Federal Rules of Civil Procedure and the
17 Local Rules of Practice for the District Court.

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

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

24 d. The parties shall not notice oral argument on any motion. Instead, a
25 party desiring oral argument shall place the words “Oral Argument Requested”
26 _____

27
28 ²The 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 LRCiv 7.2(f). The Court will issue
2 an order scheduling oral argument as it deems appropriate.³

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

12 10. Deadline for Notice of Readiness for Pretrial Conference. The Plaintiff(s)
13 shall notify the Court that the parties are ready for scheduling a Final Pretrial Conference
14 pursuant to Rule 16(e) of the Federal Rules of Civil Procedure. The Plaintiff(s) shall file
15 and serve this notice within ten days after the dispositive motion deadline if no
16 dispositive motions are pending on that date. If dispositive motions are pending,
17 Plaintiff(s) shall file and serve such notice within ten days after the resolution of
18 dispositive motions. The Court will then issue an Order Setting Final Pretrial Conference
19 that (a) sets deadlines for briefing motions in limine, (b) includes a form for the
20 completion of the parties' joint proposed Final Pretrial Order, and (c) otherwise instructs
21 the parties concerning their duties in preparing for the Final Pretrial Conference. A firm
22 trial date will be set at the Final Pretrial Conference.⁴

23 _____
24 ³ The Court strongly encourages litigants to be mindful of opportunities for young
25 lawyers to conduct hearings before the Court, particularly for motions where the young
26 lawyer drafted or contributed significantly to the underlying motion or response. In those
instances where the Court is inclined to rule on the papers, a representation that the
argument would be handled by a young lawyer will weigh in favor of holding a hearing.

27 ⁴ 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. Counsel may submit a stipulation requesting a specific proposed trial date at
any time.

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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.