

1 production of documents, including subparts, and up to 40 requests for admissions, including
2 subparts. The limitations set forth in this paragraph may be increased by mutual agreement
3 of the parties, but such an increase will not result in an extension of the discovery deadlines
4 set forth below.

5 4. Deadline for Completion of Fact Discovery. The deadline for completing fact
6 discovery, including all disclosure required under Rule 26(a)(3), shall be ❖. To ensure
7 compliance with this deadline, the following rules shall apply:

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

11 b. Written Discovery: All interrogatories, requests for production of
12 documents, and requests for admissions shall be served at least 45 days before the discovery
13 deadline.

14 c. Notwithstanding LRCiv 7.3, the parties may mutually agree in writing,
15 without court approval, to extend the time provided for discovery responses in Rules 33, 34,
16 and 36 of the Federal Rules of Civil Procedure. Such agreed-upon extensions, however, shall
17 not alter or extend the discovery deadlines set forth in this order.

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

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

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

23 c. Rebuttal expert disclosures, if any, shall be made no later than ❖.
24 Rebuttal experts shall be limited to responding to opinions stated by initial experts.

25 d. Expert depositions shall be completed no later than ❖. As with fact
26 witness depositions, expert depositions shall be scheduled to commence at least five working
27 days before the deadline.

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1 e. No expert witness not timely disclosed will be permitted to testify unless
2 the party offering such witness demonstrates: (a) that the necessity of such expert witness
3 could not have been reasonably anticipated at the time of the deadline for disclosing such
4 expert witness; (b) the opposing counsel or unrepresented party were promptly notified upon
5 discovery of such expert witness; and (c) that such expert witness was promptly proffered
6 for deposition. *See Wong v. Regents of the Univ. of Cal.*, 410 F.3d 1052, 1060 (9th Cir.
7 2005).

8 6. Discovery Disputes.

9 a. The parties shall not file written discovery motions without leave of
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, with explanation of the position taken by each party and (2) a joint written
14 certification that the counsel or the parties have attempted to resolve the matter through
15 personal consultation and sincere effort as required by LRCiv 7.2(j) and have reached an
16 impasse. If the opposing party has refused to personally consult, the party seeking relief shall
17 describe the efforts made to obtain personal consultation. Upon review of the filed written
18 summary of the dispute, the Court may set a telephonic conference, order written briefing,
19 or decide the dispute without conference or briefing. Any briefing ordered by the Court shall
20 also comply with LRCiv 7.2(j).

21 b. If a discovery dispute arises in the course of a deposition and requires
22 an immediate ruling of the Court, the parties shall jointly telephone the Court to request a
23 telephone conference regarding the dispute.

24 c. Absent extraordinary circumstances, the court will not entertain fact
25 discovery disputes after the deadline for completion of fact discovery and will not entertain
26 expert discovery disputes after the deadline for completion of expert discovery. Delay in
27 presenting discovery disputes for resolution is not a basis for extending discovery deadlines.
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1 7. Deadline for Filing Dispositive Motions and Motions Challenging Expert
2 Opinion Testimony.

3 a. Dispositive motions and motions challenging expert opinion testimony
4 shall be filed no later than ❖ at 5:00 p.m. Arizona time. Such motions must comply in all
5 respects with the Federal Rules of Civil Procedure and the Local Rules.

6 b. No party or parties represented by the same counsel shall file more than
7 one motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure
8 unless by leave of the Court.

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

12 d. A party desiring oral argument shall place the words "Oral Argument
13 Requested" immediately below the title of the motion pursuant to LRCiv 7.2(f). The court
14 will issue a minute entry order scheduling oral argument as it deems appropriate.

15 8. Deadline for Engaging in Good Faith Settlement Talks. All parties and their
16 counsel shall meet in person and engage in good faith settlement talks no later than ❖. Upon
17 completion of such settlement talks, and in no event later than five working days after the
18 deadline set forth in the preceding sentence, the parties shall file with the court a joint Report
19 on Settlement Talks executed by or on behalf of all counsel. The report shall inform the
20 Court that good faith settlement talks have been held and shall report on the outcome of such
21 talks. The parties shall promptly notify the Court at any time when settlement is reached
22 during the course of this litigation.

23 The Court will set a settlement conference before a magistrate judge upon request of
24 all parties.

25 The parties are encouraged to discuss settlement at all times during the pendency of
26 the litigation. The Court will not, however, extend the case processing deadlines because the
27 parties wish to avoid litigation expense if and when they elect to pursue settlement efforts,
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1 including a settlement conference before a magistrate judge. The parties should plan their
2 settlement efforts accordingly.

3 9. Motions for Summary Judgment.

4 a. If no motions for summary judgment have been filed, then Plaintiff(s)
5 shall lodge a Joint Proposed Pretrial Order by ♦ at 5:00 p.m. Arizona time. The order shall
6 be in the form found at www.azd.uscourts.gov under Judges & Courtrooms; Orders, Forms
7 & Procedures; Judge Wake. There are separate orders for cases being heard by a jury and
8 cases being heard by the court.

9 b. If summary judgment motions have been filed, the court will set a time
10 for lodging the Joint Proposed Pretrial Order after the resolution of such dispositive motions.

11 10. Final Pretrial Conference. The parties who will be trying the case shall appear
12 at the Final Pretrial Conference **TO BE SET BY LATER ORDER.**

13 11. The Deadlines Are Real. The parties are advised that the Court intends to
14 enforce the deadlines set forth in this order, and they should plan their litigation activities
15 accordingly. The Court will not extend the case processing deadlines because the parties
16 wish to avoid litigation expense if and when they elect to pursue settlement efforts, including
17 a settlement conference before a magistrate judge.

18 12. Dismissal for Failure to Meet Deadlines of This Order or of the Rules.
19 The parties are warned that failure to meet any of the deadlines in this order or in the Federal
20 Rules of Civil Procedure without substantial justification may result in sanctions, **including**
21 **dismissal of the action or entry of default.**

22 13. Requirement for Paper Courtesy Copies. Pursuant to Section II.D.3 of the
23 Electronic Case Filing Administrative Policies and Procedures Manual, a paper courtesy
24 copy of dispositive motions and responses and replies thereto and any document exceeding
25 10 pages in length shall be either post-marked and mailed directly to the judge or hand-
26 delivered to the judge's mail box located in the courthouse the next business day after the
27 electronic filing. A copy of the face page of the Notice of Electronic Filing shall be
28 appended to the last page of the courtesy copy. Courtesy copies of documents too large for

1 stapling must be bound with a metal prong fastener at the top center of the document or
2 submitted in three-ring binders. If courtesy copies are not delivered within three days of the
3 file date, the court may strike the pleading summarily for failure to follow court rules and this
4 order.

5 DATED this ❖.

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