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

,	}	No. CV-**-*****-PHX-ASB
Plaintiff(s),	}	
vs.	}	CASE MANAGEMENT ORDER
,	}	
Defendant(s).	}	

On **Month, Day, Year**, 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, the Court enters the following Case Management Order to govern the litigation in this case.

IT IS HEREBY ORDERED:

I. RULES

All parties must abide by the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure (“LRCiv” or “Local Rules”), Rules of Practice of the U.S. District Court for the District of Arizona.¹ To the extent that the Federal Rules of Civil Procedure differ from the Local Rules, the Federal Rules of Civil Procedure shall govern.

¹ The Local Rules are available at: <http://www.azd.uscourts.gov/local-rules>, and the Federal Rules are available at: <http://www.uscourts.gov/uscourts/rules/civil-procedure.pdf>

1 **II. JOINING PARTIES AND AMENDING PLEADINGS**

2 The deadline for joining parties, amending pleadings, and filing supplemental
3 pleadings is **sixty (60) days** from the date of this Order.

4 **III. DISCOVERY**

5 A. Deadline for Initial Disclosures. Initial disclosures required by Federal Rule
6 of Civil Procedure 26(a), if not already exchanged, shall be exchanged no later than **Month,**
7 **Day, Year.** The parties shall file with the Clerk of the Court a Notice of Initial Disclosure,
8 rather than copies of the actual disclosures.

9 B. Deadline for Joining Parties, Amending Pleadings, and Filing Supplemental
10 Pleadings. The deadline for joining parties, amending pleadings, and filing supplemental
11 pleadings is **60 days** from the date of this Order.

12 C. Discovery Limitations. Depositions in this case shall be limited to seven
13 hours each as provided in Rule 30(d)(1) of the Federal Rules of Civil Procedure. Each side
14 may propound up to 25 interrogatories, including subparts, 25 requests for production of
15 documents, including subparts, and 25 requests for admissions, including subparts. The
16 limitations set forth in this paragraph may be increased by mutual agreement of the parties,
17 but such an increase will not result in an extension of the discovery deadlines set forth
18 below.

19 D. Deadline for Completion of Fact Discovery. The deadline for completing
20 fact discovery, including discovery by subpoena, shall be **Month, Day, Year.** To ensure
21 compliance with this deadline, the following rules shall apply:

22 1. Depositions: All depositions shall be scheduled to commence at least
23 **five business days** prior to the discovery deadline. A deposition commenced five days
24 prior to the deadline may continue up until the deadline, as necessary.

25 2. Written Discovery: All interrogatories, requests for production of
26 documents, and requests for admissions shall be served at least **45 days** before the
27 discovery deadline.

28 3. The parties may mutually agree, without Court approval, to extend the

1 time provided for discovery responses in Rules 33, 34, and 36 of the Federal Rules of Civil
2 Procedure. Such agreed-upon extensions, however, shall not alter or extend the discovery
3 deadlines set forth in this Order.

4 E. Deadlines for Disclosure of Experts and Completion of Expert Discovery.

5 1. Plaintiff(s) shall provide full and complete expert disclosures, as
6 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure, no later than
7 **Month, Day, Year.**

8 2. Defendant(s) shall provide full and complete expert disclosures, as
9 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure, no later than
10 **Month, Day, Year.**

11 3. Rebuttal expert disclosures, if any, shall be made no later than **Month,**
12 **Day, Year.** Rebuttal experts shall be limited to responding to opinions stated by initial
13 experts.

14 4. Expert depositions shall be completed no later than **Month, Day,**
15 **Year.** As with fact witness depositions, expert depositions shall be scheduled to commence
16 at least five business days before the deadline.

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

26 ² In *Goodman v. Staples The Office Superstore, LLC*, 644 F.3d 817 (9th 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

1 6. As stated in the Advisory Committee Notes to Rule 26 (1993
2 Amendments), expert reports disclosed under Rule 26(a)(2)(B) must set forth “the
3 testimony the witness is expected to present during direct examination, together with the
4 reasons therefor.” Full and complete disclosures of such testimony are required on the dates
5 set forth above; absent truly extraordinary circumstances, parties will not be permitted to
6 supplement their expert reports after these dates.

7 7. Each side shall be limited to one retained or specially employed expert
8 witness per issue.

9 F. Discovery Disputes.

10 1. If a discovery dispute arises, the parties shall provide a Joint Notice
11 of Discovery Dispute via email to bachus_chambers@azd.uscourts.gov and file same. The
12 Joint Notice shall be no more than two pages per side and contain no attachments. A
13 courtesy call to chambers notifying the Court of the dispute is also appreciated. The Court
14 will seek to promptly set a telephonic conference and resolve the dispute at the conference
15 by entering appropriate orders. The Court may order additional written briefing if deemed
16 necessary. The parties may not file written discovery motions without leave of Court.³

17 2. The parties shall not contact the Court concerning a discovery dispute
18 without first seeking to resolve the matter through personal consultation and sincere effort
19 as required by Rule 7.2(j) of the Local Rules of Civil Procedure (“LRCiv” or “Local
20 Rules”), Rules of Practice for the U.S. District Court for the District of Arizona. Any
21 briefing ordered by the Court must comply with LRCiv 7.2(j). which prohibits the parties
22 from filing discovery motions without first seeking to resolve the matter through personal
23 consultation and sincere efforts. If the parties cannot reach a resolution, they may file a
24 motion. Motions, responses, and replies shall not exceed six pages each.

25 _____
26 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.

27 ³ This prohibition on “written discovery motions” includes any written materials
28 delivered to the Court, including “correspondence” with attachments, exclusive of the Joint
Notice of Discovery Dispute.

1 3. Absent extraordinary circumstances, the Court will not entertain fact
2 discovery disputes after the deadline for completion of fact discovery, and will not entertain
3 expert discovery disputes after the deadline for completion of expert discovery.

4 **IV. MOTIONS**

5 A. Dispositive Motions.

6 1. Dispositive motions shall be filed no later than **Month, Day, Year.**
7 Such motions must comply in all respects with the Federal Rules of Civil Procedure and
8 the Local Rules.

9 2. No party shall file more than one motion for summary judgment under
10 Rule 56 of the Federal Rules of Civil Procedure unless permission is first obtained by
11 motion to the Court.

12 3. Statements of fact required by LRCiv 56.1 shall not exceed ten (10)
13 pages in length, exclusive of exhibits. The parties should review *Hunton v. Am. Zurich*
14 *Ins. Co.*, 2018 WL 1182552, at *2-5 (D. Ariz. Mar. 7, 2018), before briefing summary
15 judgment motions.

16 B. Motions Generally.

17 1. No party shall file a document that contains more than one motion.
18 No party shall file a response or reply that pertains to more than one motion. A document
19 that fails to comply with this requirement may be stricken by the Court.

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

23 3. All parties are specifically admonished that “[i]f a motion does not
24 conform in all substantial respects with the requirements of [the Local Rules], or if the
25 opposing party does not serve and file the required answering memoranda . . . such
26 noncompliance may be deemed a consent to the denial or granting of the motion and the
27 Court may dispose of the motion summarily.” LRCiv 7.2 (emphasis added).

28 4. All memoranda filed with the Court must comply with LRCiv 7.1(b),

1 including the 13-point font requirement and proposed forms of order.

2 5. Citations in support of any assertion in the text must be included in
3 the text, rather than in the footnotes.

4 6. Pursuant to LRCiv 7.2(f), a party requesting an oral argument on any
5 motion shall place the words “Oral Argument Requested” immediately below the title of
6 the motion or the response to the motion. The Court will issue an order scheduling oral
7 argument as it deems appropriate.⁴

8 **V. SETTLEMENT DISCUSSIONS**

9 All parties and their counsel shall meet in person and engage in good faith settlement
10 talks no later than **Month, Day, Year**. Upon completion of such settlement talks, and in
11 no event later than five (5) calendar days after the deadline set forth in the preceding
12 sentence, the parties shall file with the Court a joint report on settlement talks executed by
13 or on behalf of all counsel. The report shall inform the Court that good faith settlement
14 talks have been held and shall report on the outcome of such talks. The parties shall
15 indicate whether assistance from the Court is needed in seeking settlement of the case. The
16 parties shall promptly notify the Court at any time when settlement is reached during the
17 course of this litigation.

18 **VI. FINAL PRETRIAL CONFERENCE**

19 If no dispositive motions are pending before the Court after the dispositive motion
20 deadline has passed, Plaintiff(s) shall file and serve a Notice of Readiness for Final Pretrial
21 Conference within **seven (7) days** of the dispositive motion deadline. If a dispositive
22 motion is pending before the Court following the dispositive motion deadline, Plaintiff(s)
23 shall file and serve a Notice of Readiness for Final Pretrial Conference within **seven (7)**
24 **days** of the resolution of the dispositive motion. Following the filing of the Notice, the
25 Court will issue an Order Setting Final Pretrial Conference that: (1) sets deadlines for

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27 ⁴ The Court encourages the litigants to be mindful of opportunities for newer
28 lawyers to conduct hearings before the Court, particularly in instances where the newer
lawyer drafted or significantly contributed to the underlying motion or response.

1 briefing motions in limine; (2) includes a form for the completion of the parties' joint
2 proposed Final Pretrial Order; and (3) otherwise instructs the parties concerning their duties
3 in preparing for the Final Pretrial Conference. A firm trial date will be set at the Final
4 Pretrial Conference.

5 **NOTICE**

6 **The parties are advised that the Court intends to enforce the deadlines and**
7 **guidelines set forth in this Order, and they should plan their litigation activities**
8 **accordingly.** The Court emphasizes that it has a strict policy not to extend the dispositive
9 motion deadline beyond the two-year anniversary of the date of commencement of an
10 action. Even if all parties stipulate to an extension, the Court will not extend the deadlines
11 absent good cause to do so. As a general matter, the pendency of settlement discussions
12 or the desire to schedule mediation does not constitute good cause.

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