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

**XXX,**  
  
Plaintiff,  
  
v.  
  
**XXX,**  
  
Defendant(s).

No. CV XX-0XXXX PHX/PCT XXX  
(CDB)  
  
**SCHEDULING ORDER**

Plaintiff is **pro se** and proceeds *in forma pauperis* in this prisoner civil rights matter. Defendant(s) **YYY**, have now answered the **Complaint/First Amended Complaint/Second Amended Complaint**. Therefore, the Court issues this Scheduling Order pursuant to Rule 16.2(b)(2)(B)(ii) of the Local Rules of Civil Procedure.

**IT IS ORDERED that** the parties must comply with the following deadlines and discovery orders:

1. **Initial Disclosure.** All initial disclosures as defined in Federal Rule of Civil Procedure 26(a),<sup>1</sup> if not already disclosed, shall be made no later than **30 DAYS**.
2. **Joining Parties and Amending Pleadings.** Any further motion to join parties or for leave to amend the pleadings, including a motion to amend the complaint, shall be filed no later than **60 DAYS**.

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<sup>1</sup> Although 26(a)(1)(B)(iv) exempts most prisoner civil rights cases, including this one, from the requirements of initial disclosures, “the court can order exchange of similar information in managing the action under Rule 16.” Rule 26(a)(1), a (2000). The Court requires the parties to comply with the provisions of Rule 26(a) to promote the early identification of factual, legal, and evidentiary issues, and frank discussion between the parties as to the relative strengths and weaknesses of their cases.

1           **3. Depositions.** Defendant(s) may take Plaintiff's deposition no later than **120**  
2 **DAYS.** The Court grants Defendant(s) leave to depose Plaintiff(s) pursuant to Federal Rule  
3 of Civil Procedure 30(a)(2)(B). The deposition may be conducted telephonically at  
4 Defendant's option.

5           Because of the logistical problems involved, self-represented incarcerated persons  
6 may not take depositions or serve subpoenas or subpoenas duces tecum without prior Court  
7 permission. Such permission will not be granted except upon a showing of appropriate  
8 need. The motion seeking such permission must state with particularity the reasons for  
9 seeking the testimony and documents. Motions for depositions must also reflect an ability  
10 to pay the costs of recording such deposition. *See* Fed. R. Civ. Proc. 30(b)(3)(A).

11           **Motions for subpoenas must also: (1) attach a copy of any proposed subpoena**  
12 **to be served, and (2) set forth the name and address of the witness to be subpoenaed**  
13 **and/or the custodian and general nature of any documents requested.** *See* General  
14 Order 18-19, *available at* [http://www.azd.uscourts.gov/sites/default/files/general-](http://www.azd.uscourts.gov/sites/default/files/general-orders/18-19.pdf)  
15 [orders/18-19.pdf](http://www.azd.uscourts.gov/sites/default/files/general-orders/18-19.pdf).

16           **4. Written Discovery.** All interrogatories, requests for production of documents,  
17 and requests for admissions shall be served no later than **150 DAYS.**

18           a. Responses to discovery must be served within the time provided by the Federal  
19 Rules of Civil Procedure unless the parties stipulate otherwise in writing.

20           b. Discovery Limitations. Each party is limited to twenty-five interrogatories,  
21 including subparts, from each party to another party. Each party is limited to fifteen  
22 requests for production, including subparts, from each party to another party. Each party is  
23 limited to ten requests for admission, including subparts, from each party to another party.

24           **5. Discovery Disputes.**

25           **All motions regarding discovery** must be filed no later than **165 DAYS.**

26           **6. Dispositive Motions.**

27           a. Dispositive motions shall be filed no later than **180 DAYS.** Such motions must  
28 fully comply with the Federal Rules of Civil Procedure and the Local Rules.

1           b. If Defendant(s) file a motion for summary judgment under Rule 56 of the Federal  
2 Rules of Civil Procedure based on Plaintiff's failure to exhaust prison administrative  
3 remedies as required by 42 U.S.C. § 1997e(a) and the Court denies that motion, Defendants  
4 may file a second motion for summary judgment without requesting permission from the  
5 Court. Otherwise, no party may file more than one motion for summary judgment under  
6 Rule 56 unless permission is first obtained from the Court.

7           **7. Notice of Readiness for Deadline for Proposed Pretrial Order.** Within ten  
8 days of the Court ruling on the dispositive motions, or if no motions are filed, within ten  
9 days after the expiration of the dispositive motion deadline, Defendants shall notify the  
10 Court that the parties are ready for the Court to set a deadline for them to file a proposed  
11 joint pretrial order. The assigned District Judge will then issue an appropriate order.

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

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