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

Click here to enter text.,

Plaintiff,

v.

Click here to enter text.,

Defendant.

No. Click here to enter text.

SCHEDULING ORDER
(ERISA case)

On Click here to enter a date., a Scheduling 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 Discovery Plan. On the basis of the Scheduling Conference and the Discovery Plan,

IT IS HEREBY ORDERED:

1. Deadline for Initial Disclosures shall be _____.
2. Deadline for Joining Parties, and Amending Pleadings. Motions to join parties or for leave to amend pleadings shall be filed by _____.
3. Administrative Record. Defendant shall produce the Administrative Record to the plaintiff on or before _____. Plaintiff shall submit to the defendant any documents he contends should be in the record that are not included in the record physically delivered to the plaintiff already, by no later than _____. The Administrative Record is to be submitted by no later than _____.

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4. Deadline for Briefs. Plaintiff’s opening brief is to be filed by no later than _____. Defendant’s response brief is to be filed by no later than _____. Plaintiff’s reply brief is to be filed by no later than _____.

5. Oral Argument. Hearing on the briefs is hereby set for _____.

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

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

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

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

8. Dismissal for Failure to Meet Deadlines of This Order or of the Rules. The parties are warned that failure to meet any of the deadlines in this order or in the Federal

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Rules of Civil Procedure without substantial justification may result in sanctions, **including dismissal of the action or entry of default.**

9. Requirement for Paper Courtesy Copies. Pursuant to Section II.D.3 of the Electronic Case Filing Administrative Policies and Procedures Manual, a paper courtesy copy of dispositive motions and responses and replies thereto and any document exceeding 10 pages in length shall be either post-marked and mailed directly to the judge or handdelivered to the judge's mail box located in the courthouse the next business day after the electronic filing. A copy of the face page of the Notice of Electronic Filing shall be appended to the last page of the courtesy copy. Courtesy copies of documents too large for stapling must be bound with a metal prong fastener at the top center of the document or submitted in three-ring binders. If courtesy copies are not delivered within three days of the file date, the court may strike the pleading summarily for failure to follow court rules and this order.