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

x		No. CV-
	Plaintiff(s),	
		CASE MANAGEMENT ORDER
	v.	
	Defendant(s).	

On (date), a [Telephonic] 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 Case Management Report (Doc. xx). On the basis of the [Telephonic] Case Management Conference and the Case Management Report,

IT IS HEREBY ORDERED:

1. Deadline for Initial Disclosures. Initial disclosures required by Federal Rule of Civil Procedure 26(a) shall be exchanged no later than _____.
[If not already exchanged, initial disclosures required by Federal Rule of Civil Procedure 26(a) shall be exchanged within **21 days** from the date of this Order is filed.]
2. Deadline for Joining Parties, Amending Pleadings, and Filing Supplemental Pleadings. Motions to join parties, amend pleadings, and file supplemental pleadings shall be filed promptly and no later than **60 days** from the date of this Order.
- [2. Deadline for Joining Parties, Substituting Unknown Parties, Amending Pleadings, and Filing Supplemental Pleadings. Motions to join parties, amend pleadings, and file

1 supplemental pleadings shall be filed promptly and no later than **70 days** from the date of
2 this Order is filed.]

3 3. Discovery Limitations. Depositions shall be limited to seven (7) hours each
4 as provided in Rule 30(d)(1) of the Federal Rules of Civil Procedure. Each side may
5 propound up to 25 interrogatories, including subparts, 25 requests for production of
6 documents, including subparts, and 25 requests for admissions, including subparts. [The
7 parties may agree to additional discovery requests without approval of the Court and may
8 move the Court for additional discovery requests during the fact discovery period.]

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

12 a. Depositions: All depositions shall be scheduled to commence at least
13 **five working days** prior to the discovery deadline. A deposition commenced five days
14 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 in writing, without Court approval, to
19 extend the time provided for discovery responses in Rules 33, 34, and 36 of the Federal
20 Rules of Civil Procedure. Such agreed-upon extensions, however, shall not alter or extend
21 the discovery deadlines set forth in this Order.

22 d. Special Provisions Regarding Rule 34 Responses: Objections to Rule
23 34 document production requests shall be stated with specificity; general or boilerplate
24 objections are not permitted. Document production in response to a Rule 34 request must
25 be completed no later than the time specified in the request or another reasonable time
26 specified in the response. An objection to a Rule 34 request must state whether any
27 responsive materials have been withheld on the basis of that objection.

28 5. Expert Disclosures and Discovery.

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

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

7 c. Rebuttal expert disclosures, if any, shall be made no later than _____.
8 Rebuttal experts shall be limited to responding to opinions stated by initial experts.

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

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

21 f. As stated in the Advisory Committee Notes to Rule 26 (1993
22 Amendments), expert reports under Rule 26(a)(2)(B) must set forth “the testimony the
23 witness is expected to present during direct examination, together with the reasons
24 therefor.” Full and complete disclosures of such testimony are required on the dates set

25 ¹ In *Goodman v. Staples The Office Superstore, LLC*, 644 F.3d 817 (9th Cir. 2011), the
26 Ninth Circuit held that “a treating physician is only exempt from Rule 26(a)(2)(B)’s written
27 report requirement to the extent that his opinions were formed during the course of
28 treatment.” *Id.* at 826. 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 forth above; absent extraordinary circumstances, parties will not be permitted to
2 supplement expert reports after these dates. The Court notes, however, that it usually
3 permits parties to present opinions of their experts that were elicited by opposing counsel
4 during depositions of the experts. Counsel should depose experts with this fact in mind.

5 g. Each side shall be limited to one retained or specially employed expert
6 witness per issue.

7 6. Discovery and Disclosure Disputes.

8 a. Except during a deposition, if a discovery or disclosure dispute arises
9 and cannot be resolved despite sincere efforts to resolve the matter through personal
10 consultation (in person or by telephone), the parties shall jointly file a “**Motion for**
11 **Resolution of Discovery/Disclosure Dispute**” containing (1) a brief written summary of
12 the dispute, not to exceed two pages per side, with an explanation of the position taken by
13 each side; and (2) a joint written certification that counsel or the parties have attempted to
14 resolve the matter through personal consultation and sincere effort as required by Local
15 Rule of Civil Procedure (LRCiv) 7.2(j) and have reached an impasse (if the opposing party
16 has refused to personally consult, the party seeking relief shall describe the efforts made to
17 obtain personal consultation). **The parties shall not otherwise file motions regarding**
18 **discovery or disclosure disputes without leave of the Court.** Upon review of the filed
19 written summary of the dispute, the Court may set a telephonic conference, order additional
20 briefing, and/or decide the dispute without conference or briefing. If a discovery/disclosure
21 dispute arises in the course of a deposition and it is believed that an immediate ruling of
22 the Court is appropriate—a circumstance that should be exceedingly rare—the parties shall
23 jointly contact the Court telephonically at 602-322-7630 and shall send an email to
24 fine_chambers@azd.uscourts.gov with a copy to opposing counsel.

25 b. Parties shall not file a Motion for Resolution of Discovery/Disclosure
26 Dispute or contact the Court concerning a discovery or disclosure dispute without first
27 seeking to resolve the matter through personal consultation and sincere effort as required
28

1 by Local Rule of Civil Procedure 7.2(j). Any additional briefing ordered by the Court shall
2 also comply with Local Rule of Civil Procedure 7.2(j).

3 c. Parties shall promptly attempt to resolve discovery and disclosure
4 disputes and shall promptly bring unresolved discovery and disclosure disputes to the
5 Court's attention. Absent extraordinary circumstances, the Court will not entertain fact
6 discovery and disclosure disputes later than **30 days** after the deadline for completion of
7 fact discovery and will not entertain expert discovery and disclosure disputes later than **30**
8 **days** after the deadline for completion of expert discovery.

9 7. Dispositive Motions.

10 a. Dispositive motions, including *Daubert* motions,² shall be filed no
11 later than _____. Such motions must comply in all respects with the Federal Rules of Civil
12 Procedure and the Local Rules.

13 b. No party shall file more than one motion for summary judgment under
14 Rule 56 of the Federal Rules of Civil Procedure without leave of court.

15 c. The parties shall not notice oral argument on any motion. Instead, a
16 party desiring oral argument shall place the words "Oral Argument Requested"
17 immediately below the title of the motion or response pursuant to Local Rule of Civil
18 Procedure 7.2(f). The Court will issue an order scheduling oral argument as it deems
19 appropriate.

20 8. Good Faith Settlement Talks. All parties and their counsel shall meet in
21 person and engage in good faith settlement talks no later than _____. Upon
22 completion of such settlement talks, and in no event later than five working days after the
23 deadline set forth in the preceding sentence, the parties shall file with the Court a joint
24 report on settlement talks executed by or on behalf of all counsel. The report shall inform
25 the Court that good faith settlement talks have been held. In the report or earlier, the
26 parties shall indicate whether they seek referral to a United States Magistrate Judge to

27 _____
28 ² Evidentiary motions made under *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579
(1993).

1 conduct a settlement conference. The parties shall promptly notify the Court at any time
2 when settlement is reached during the course of this litigation.

3 9. Briefing Requirements.

4 a. All memoranda filed with the Court shall comply with Local Rule of
5 Civil Procedure 7.1(b) requiring 13 point font in text and footnotes.

6 b. Citations in support of any assertion in the text shall be included in
7 the text, not in footnotes.

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

19 **[for referral cases:**

20 10. Deadline for Notice of Readiness for Pretrial Conference. The Plaintiff(s)
21 shall notify the Court that the parties are ready for scheduling a Final Pretrial Conference
22 pursuant to Rule 16(e). The Plaintiff(s) shall file and serve this notice within **ten (10)** days
23 after the dispositive motion deadline if no dispositive motions are pending on that date. If
24 dispositive motions are pending, Plaintiff(s) shall file and serve such notice within **ten (10)**
25 days after the resolution of dispositive motions. The District Judge assigned to this matter
26 will then issue an Order Setting Final Pretrial Conference that (a) sets deadlines for briefing
27 motions in limine, (b) includes a form for the completion of the parties' joint proposed
28 Final Pretrial Order, and (c) otherwise instructs the parties concerning their duties in

1 preparing for the Final Pretrial Conference. The District Judge will set a firm trial date at
2 the Final Pretrial Conference.]

3 11. The Deadlines Are Firm. **The parties are advised that the Court intends**
4 **to enforce the deadlines set forth in this Order and should plan their litigation**
5 **activities accordingly.** Any motion to continue any deadline shall include in the motion a
6 statement regarding whether and which of the other deadlines would be affected if the
7 motion were granted and shall contain the proposed new deadlines. The Court will not,
8 absent truly unusual circumstances, extend the schedule in this case to accommodate
9 settlement talks.

10 12. Requirement for Paper Courtesy Copies. A paper courtesy copy of
11 dispositive motions and any responses or replies thereto shall be either mailed to the judge
12 or hand-delivered *to the judge's mailbox* located in the courthouse **within three business**
13 **days of the electronic filing – the paper copy should be printed from the Court's**
14 **electronic system so that it has the Court's filing system document number and page**
15 **numbers.** Please do not attempt to deliver documents to the Judge's chambers. Courtesy
16 copies of documents too large for stapling must be bound with a metal prong fastener at
17 the top center of the document or submitted in three-ring binders.

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