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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

,
Plaintiffs,
v.
,
Defendants.

No. CV- -0 -PHX-GMS

**ORDER SETTING RULE 16 CASE
MANAGEMENT CONFERENCE**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a Telephonic Case Management Conference is set for [DATE] [TIME]. To ensure clarity of communication with the Court and accurate transcription by the Court Reporter, the parties shall not use headsets, speaker phones or other apparatus that interferes with a clear transmission. It is each participating lawyer's/party's responsibility to have a clear audio connection. Failure to achieve this will require that the Scheduling Conference be reset with the parties appearing in Court in person. The Court will email the call-in information to counsel/parties prior to the conference date. In preparation for this Case Management Conference, it is hereby ordered as follows:

A. Rule 26(f) Meeting and Joint Case Management Report

The parties are directed to meet and confer at least 10 calendar days before the Scheduling Conference as required by Federal Rule of Civil Procedure 26(f). At this Rule 26(f) Meeting, the parties shall develop a joint Case Management Report which contains the information called for in section B below.

1 B. Joint Case Management Report.

2 The parties' Joint Case Management Report shall contain the following information
3 in separately numbered paragraphs.

4 1. The parties who attended the Rule 26(f) Meeting and assisted in developing
5 the Case Management Report;

6 2. A list of the parties in the case, including any parent corporations or entities
7 (for recusal purposes);

8 3. A short statement of the nature of the case (3 pages or less);

9 4. The jurisdictional basis for the case, describing the basis for jurisdiction (see
10 the accompanying footnote) and citing specific jurisdictional statutes¹;

11 5. Any parties which have not been served and an explanation of why they have
12 not been served; and any parties which have been served but have not answered or
13 otherwise appeared;

14 6. A statement of whether any party expects to add additional parties to the case
15 or otherwise to amend pleadings (the Court will set a deadline at the Case Management
16 Conference for joining parties and amending pleadings).

17 7. Whether the case is suitable for reference to a United States Management
18 Judge for a settlement conference or trial;

19 8. The status of related cases pending before other courts or other judges of this
20 Court;

21 9. A discussion of any issues relating to preservation, disclosure, or discovery
22 of electronically stored information, including the parties' preservation of electronically

23
24 ¹ If jurisdiction is based on diversity of citizenship, the report shall include a statement of
25 the citizenship of every party and a description of the amount in dispute. *See* 28 U.S.C.
26 §1332. The parties are reminded that (1) a corporation is a citizen of the state where it is
27 incorporated and the state of its principal place of business, and (2) partnerships and limited
28 liability companies are citizens of every state in which one of their partners or members
resides. *See* 28 U.S.C. §1332(c); *Indus. Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9th
Cir. 1990); *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 692
(7th Cir. 2003). The parties are further reminded that the use of fictitious parties ("John
Doe" or "ABC Corporation") "casts no magical spell on a complaint otherwise lacking in
diversity jurisdiction." *Fifty Assocs. v. Prudential Ins. Co. of Am.*, 446 F.2d 1187, 1191
(9th Cir. 1970) (citations omitted).

1 stored information and the form or forms in which it will be produced (*see* Rules 16(b)(3),
2 26(f)(3));

3 10. A discussion of any issues relating to claims of privilege or work product
4 (See Rules 16(b)(3), 26(f)(3));

5 11. A discussion of whether an order under Federal Rule of Evidence 502(d) is
6 warranted in this case;

7 12. A discussion of necessary discovery that should include:

8 a. The extent, nature, and location of discovery anticipated by the parties
9 and why it is proportional to the needs of the case;

10 b. Suggested changes, if any, to the discovery limitations imposed by the
11 Federal Rules of Civil Procedure;

12 13. Proposed specific dates for each of the following (deadlines should fall on a
13 **Friday** unless impracticable):

14 a. Deadline for initial disclosures;

15 b. Deadline for joining parties and amending pleadings.

16 c. Deadline for Plaintiff to submit to Defendant any documents he
17 contends should be in the Administrative Record that are not included
18 in the record physically delivered to the plaintiff already and deadline
19 for submission of the Administrative Record to the Court.

20 d. Deadlines for filing Plaintiff's opening brief, Defendant's response
21 brief, and Plaintiff's reply brief.

22 e. Oral argument on the briefs.

23 f. Deadline for engaging in good faith settlement talks.

24 14. The prospects for settlement, including any request of the Court for
25 assistance in settlement efforts; and

26 15. Any other matters that will aid the Court and parties in resolving this case in
27 a just, speedy, and inexpensive manner as required by Federal Rule of Civil Procedure 1.

28 The parties shall jointly file the Case Management Report with the Clerk not less

1 than seven calendar days before the Scheduling Conference. It is the responsibility of
2 Plaintiff(s) to initiate the Rule 26(f) Meeting and preparation of the joint Plan.
3 Defendant(s) shall promptly and cooperatively participate in the Rule 26(f) Meeting and
4 assist in preparation of the Case Management Report.

5 C. Case Management Order

6 The Court directs counsel and any unrepresented parties to Federal Rules of Civil
7 Procedure 16 for the objectives of the Case Management Conference. Counsel who will
8 be responsible for trial of the lawsuit for each party, and any party that is not represented
9 by counsel, shall appear and participate in the Case Management Conference and shall
10 have authority to enter into stipulations regarding all matters that may be discussed.
11 A continuance of the Case Management Conference will be granted only for good cause.

12 As a result of the Case Management Conference, the Court will enter a Case
13 Management Order. The form of the Court's standard Case Management Order for ERISA
14 cases can be found on the Court's website at www.azd.uscourts.gov under Judges and
15 Courtrooms and Orders, Forms and Procedures. The Court fully intends to enforce the
16 deadlines in the Case Management Order. The parties should plan their litigation activities
17 accordingly.

18 D. Other Matters.

19 The parties are expected to comply fully with the Federal and Local Rules of Civil
20 Procedure and to minimize the expense of discovery. The parties should ensure that all
21 filings comply with Local Rules of Civil Procedure 7.1 and 7.2. In addition, in all filings,
22 citations in support of any assertion in the text shall be included in the text, not in footnotes.
23 The Clerk of the Court shall send copies of this order to all counsel of record and to any
24 unrepresented parties.

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