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

<p>, Plaintiff, v. , Defendant.</p>	<p>No. CV SCHEDULING ORDER (ERISA)</p>
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This is an ERISA case. The Court enters the following Scheduling Order to govern the litigation in this case:

1. MIDP. This case is exempt from the Mandatory Initial Discovery Pilot Project.
2. Deadline for Joinder, Amending Pleadings, and Filing Supplemental Pleadings. The deadline for joining parties, amending pleadings, and filing supplemental pleadings is _____ days from the date of this Order.
3. Initial Briefs Regarding Discovery. If there is a dispute as to the need for and/or scope of discovery, the deadline for Plaintiff(s) to submit a brief concerning its position shall be _____. This brief may be no longer than seven pages long, must identify—with specificity—any interrogatories, document requests, requests for admission, and/or depositions that Plaintiff(s) would like to pursue, and must set forth any legal authority supporting Plaintiff(s)' position. The deadline for Defendant(s) to file a

1 response, which may not exceed seven pages in length, shall be _____. No replies
2 may be filed.

3 4. Motions to Supplement the Administrative Record. Any motion to supplement the
4 administrative record must be filed by: _____.

5 5. No Experts. No expert reports may be filed.

6 6. Fact Discovery. If fact discovery is authorized by the Court or conducted via the
7 joint agreement of the parties, the deadline for completion shall be _____. To
8 ensure compliance with this deadline, the following rules shall apply:

9 a. Depositions: All depositions shall be scheduled to start at least five
10 business days before the discovery deadline.

11 b. Written Discovery: All interrogatories, requests for production of
12 documents, and requests for admissions shall be served at least **45 days** before the fact
13 discovery deadline.

14 c. Notwithstanding Local Rule of Civil Procedure 7.3, the parties may
15 mutually agree in writing, without Court approval, to extend the time provided for
16 discovery responses in Rules 33, 34, and 36 of the Federal Rules of Civil Procedure. Such
17 agreed-upon extensions, however, shall not alter or extend the deadlines set forth in this
18 Order.

19 d. Notwithstanding any provisions of the Federal Rules of Civil
20 Procedure, non-party witnesses shall not be permitted to attend (either physically,
21 electronically, or otherwise) the deposition of any other witness in this case without an
22 order of this Court.

23 7. Discovery Disputes.

24 a. Except as otherwise specified in this Paragraph 7, motions to compel
25 discovery shall be governed by Rule 37 of the Federal Rules of Civil Procedure and Local
26 Rule of Civil Procedure 37.1. If relevant, in the course of written discovery, if a discovery
27 dispute arises and cannot be resolved despite sincere efforts to resolve the matter through
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1 personal consultation (in person or by telephone), the parties shall jointly file (1) a brief
2 written summary of the dispute, not to exceed three pages, with explanation of the position
3 taken by each party, and (2) a joint written certification that counsel or the parties have
4 attempted to resolve the matter through personal consultation and sincere efforts as
5 required by Local Rule of Civil Procedure 7.2(j). If the opposing party has refused to
6 personally consult, the party seeking relief shall describe the efforts made to obtain
7 personal consultation. Upon review of the written submission, the Court may set a
8 telephonic conference or in-person proceeding, order supplemental briefing, or decide the
9 dispute by relying on the brief written summary.

10 b. If a discovery dispute arises in the course of a deposition and requires an
11 immediate ruling of the Court, the parties shall jointly telephone the Court to request a
12 telephone conference regarding the dispute.

13 c. Absent extraordinary circumstances, the Court will not entertain discovery
14 disputes after the deadline for completion of discovery. Delay in presenting discovery
15 disputes for resolution is not a basis for extending discovery deadlines.

16 d. The parties are strongly encouraged to resolve discovery disputes mutually
17 and without expending judicial resources. To that end, and under the appropriate
18 circumstances, the Court will give serious consideration to the payment of expenses as
19 provided for in Rule 37(a)(5) of the Federal Rules of Civil Procedure.

20 8. Filing the Administrative Record. The deadline for filing the administrative record
21 shall be _____.

22 9. Dispositive Motions.

23 a. Plaintiff(s)' opening brief shall be filed no later than _____.
24 Defendant(s)' response brief shall be filed no later than _____. Plaintiff(s)' reply
25 shall be filed no later than _____.

26 b. Plaintiff(s)' opening brief and Defendant(s)' response brief shall be no longer
27 than _____ pages. and Plaintiff(s)' reply shall be no longer than _____ pages.
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1 c. The parties may not file separate statements of facts or separate controverting
2 statements of facts, and instead must include all facts in the opening brief, response, or
3 reply itself, supported by citations to the administrative record.

4 d. A party desiring oral argument shall place the words “Oral Argument
5 Requested” immediately below the title of the motion pursuant to Local Rule of Civil
6 Procedure 7.2(f). Where oral argument does not aid the Court’s decision, the Court may
7 decline the request and decide the motion without holding oral argument. If the request is
8 granted, the Court will issue a minute entry informing the parties of the argument date and
9 time. The minute entry may specify particular issues that the Court deems worthy of
10 attention.

11 10. Motions for Attorneys’ Fees. All motions for an award of attorneys’ fees shall be
12 accompanied by an electronic Microsoft Excel spreadsheet, to be emailed to the Court and
13 opposing counsel, containing an itemized statement of legal services with all information
14 required by Local Rule 54.2(e)(1). This spreadsheet shall be organized with rows and
15 columns and shall automatically total the amount of fees requested to enable the Court to
16 efficiently review and recompute, if needed, the total amount of any award after
17 disallowing any individual billing entries. This spreadsheet does not relieve the moving
18 party of its burden under Local Rule 54.2(d) to attach all necessary supporting
19 documentation to its motion. A party opposing a motion for attorneys’ fees shall email to
20 the Court and opposing counsel a copy of the moving party’s spreadsheet, adding any
21 objections to each contested billing entry (next to each row, in an additional column) to
22 enable the Court to efficiently review the objections. This spreadsheet does not relieve the
23 non-moving party of the requirements of Local Rule 54.2(f) concerning its responsive
24 memorandum.
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26 11. Good Faith Settlement Talks. All parties and their counsel shall meet in person and
27 engage in good faith settlement talks no later than _____. Upon completion of
28 such settlement talks, and in no event later than five working days after the deadline set

1 forth in the preceding sentence, the parties shall file with the Court a joint report on
2 settlement talks executed by or on behalf of all counsel. The report shall inform the Court
3 that good faith settlement talks have been held and shall report on the outcome of such
4 talks. The parties shall indicate whether assistance from the Court is needed in further
5 settlement efforts. The Court will set a settlement conference before a Magistrate Judge
6 upon request of all parties. The parties shall promptly notify the Court if settlement is
7 reached.

8 12. The Deadlines Are Real. The Court will, absent a showing of good cause, enforce
9 the deadlines set forth in this Order, and the parties should plan their litigation activities
10 accordingly. Failure to meet any of the deadlines in this Order or in the Federal or Local
11 Rules of Civil Procedure without substantial justification may result in sanctions, including
12 dismissal of the action or entry of default.

13 13. Briefing Requirements.

14 a. All memoranda filed with the Court shall comply with Local Rule of
15 Civil Procedure 7.1(b) requiring text no smaller than 13 point font in text and footnotes for
16 proportional font sizes, and no smaller than 10 pitch in text and footnotes for fixed-pitch
17 type sizes.

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

20 c. A party moving for an extension of time, enlargement of page
21 limitations, leave to amend, or leave to file a document under seal shall indicate in the
22 motion whether the non-movant opposes the request and intends to file a written response.
23 If the non-movant has refused to provide a position on the request, the moving party shall
24 describe the efforts made to consult.

25 14. Requirement for Paper Courtesy Copies. A paper courtesy copy of
26 dispositive motions and any responses or replies thereto shall be either postmarked and
27 mailed to the judge or hand-delivered *to the judge's mail box* located in the Clerk's office
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1 by the next business day after the electronic filing. Please do not attempt to deliver
2 documents to the Judge's chambers. A copy of the face page of the Notice of Electronic
3 Filing shall be appended to the last page of the courtesy copy. Courtesy copies of
4 documents too large for stapling must be bound with a metal prong fastener at the top center
5 of the document or submitted in three-ring binders.

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Dated this ____ day of _____, _____.