**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

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| ,  Plaintiff(s),  v.  ,  Defendant(s). | No. CV-  **CASE MANAGEMENT ORDER**  **(ERISA Case)** |
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[Having reviewed the parties’ joint Rule 26(f) report (Doc. [ ]), the Court concludes it is unnecessary to hold a Case Management Conference and] [The Court] enters the following Case Management Order to govern this case:

1. Initial Disclosures. Initial disclosures required by Federal Rule of Civil Procedure 26(a) do not apply in this case. Fed. R. Civ. P. 26(a)(1)(B)(i).
2. Federal Rule of Evidence 502(d) Non-Waiver Order. The Court orders that a communication or information covered by the attorney-client privilege or work-product protection that is disclosed in connection with the litigation pending before the Court does not waive the privilege or protection in this or any other federal or state proceeding. This provision does not require any party agreement, and it avoids the need to litigate whether an inadvertent production was reasonable. By reducing the risk of waiver, this Order affords parties the opportunity to reduce the cost of discovery by reducing pre-production privilege review.
3. Filing the Administrative Record. The deadline for filing the administrative record shall be **Click or tap to enter a date**.
4. Initial Briefs Regarding Discovery: If there is a dispute as to the need for and/or scope of discovery and/or as to the standard of review, the deadline for Plaintiff(s) to file a motion summarizing Plaintiff(s)’ position shall be **Click or tap to enter a date**. This motion may be no longer than seven pages long; must be entitled “Motion for ERISA Discovery/Standard of Review Determination”; 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 response, which may not exceed seven pages in length, shall be **Click or tap to enter a date**. No replies may be filed.
5. Deadline for Joinder, Amending Pleadings, and Filing Supplemental Pleadings. The deadline for joining parties, amending pleadings, and filing supplemental pleadings is **Click or tap to enter a date**.
6. Fact Discovery. If fact discovery, including discovery by subpoena, is authorized by the Court the deadline for completion shall be **Click or tap to enter a date**. The rules governing such discovery, including the resolution of any discovery disputes, will be set forth in the order authorizing discovery, if one is issued.
7. No Experts: No expert reports may be filed.
8. Motions to Supplement the Administrative Record: Any motion to supplement the administrative record shall be filed by **Click or tap to enter a date**.

9. Merits Briefing*.*

a. This matter will be resolved through merits briefing in lieu of Rule 56 motions. The briefing may address the Administrative Record, as supplemented (if authorized by the Court). The briefs should address the applicable standard of judicial review, if not resolved through previous briefing (*see* subpart 3 above), and the overall propriety of the underlying claim decision. The parties should follow the page limits for Rule 56 motions.

b. Plaintiff(s)’ opening brief shall be filed no later than **Click or tap to enter a date**.

c. Defendant(s)’ response brief shall be filed no later than **Click or tap to enter a date**.

d. Plaintiff(s)’ reply shall be filed no later than **Click or tap to enter a date**.

e. The parties may not file separate statements of facts or separate controverting statements of facts, and instead must include all facts in the opening brief, response, or reply itself, supported by citations (including pincites) to the administrative record. All citations should reference the ECF-generated pagination. For example, if the administrative record was filed at docket entry fifteen and a party wished to cite page three, the appropriate citation would be: (Doc. 15 at 3.)

10. Oral Argument. A party desiring oral argument on any motion shall place the words “Oral Argument Requested” immediately below the title of the motion pursuant to Local Rule 7.2(f). The Court may decline the request and decide the motion without holding oral argument. If the request is granted, the Court will issue an order setting the argument date and time.

11. Motions for Attorneys’ Fees. All motions for an award of attorneys’ fees shall be accompanied by an electronic Microsoft Excel spreadsheet, to be emailed to the Court and opposing counsel, containing an itemized statement of legal services with all information required by LRCiv 54.2(e)(1). This spreadsheet shall be organized with rows and columns and shall automatically total the amount of fees requested to enable the Court to efficiently review and recompute, if needed, the total amount of any award after disallowing any individual billing entries. This spreadsheet does not relieve the moving party of its burden under LRCiv 54.2(d) to attach all necessary supporting documentation to its motion, including the certification of good-faith consultation under LRCiv 54.2(d)(1). A party opposing a motion for attorneys’ fees shall email the Court and opposing counsel a copy of the moving party’s spreadsheet, adding any objections to each contested billing entry (next to each row, in an additional column) to enable the Court to efficiently review the objections. This spreadsheet does not relieve the non-moving party of the requirements of LRCiv 54.2(f) concerning its responsive memorandum.

12. Good Faith Settlement Talks. All parties and their counsel shall meet in person and engage in good faith settlement talks no later than **Click or tap to enter a date**. If a party is not a natural person, the party shall ensure that a party representative with authority to enter into a settlement agreement is present at the good faith settlement talks. Upon completion of such settlement talks, and in no event later than **5 business 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 indicate whether assistance from the Court is needed in seeking settlement of the case. The Court will set a settlement conference before a Magistrate Judge upon request of all parties. The parties are reminded that they are encouraged to discuss settlement at all times during the pendency of the litigation, but the Court will not extend the case management deadlines if and when the parties elect to pursue settlement efforts, including a settlement conference before a Magistrate Judge. The parties should plan their settlement efforts accordingly. The parties shall promptly notify the Court if settlement is reached.

13. Briefing Requirements.

a. All memoranda filed with the Court shall comply with LRCiv 7.1(b) requiring 13-point font in text and footnotes.

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

c. To ensure timely case processing, a party moving for an extension of time, enlargement of page limitations, leave to amend, or leave to file a document under seal shall indicate in the title of the motion whether the non-movant opposes the request and intends to file a written response (e.g., “Unopposed Motion for Leave to Amend”; “Opposed Motion for Extension of Time to Answer (Second Request)”). If such a motion does not so indicate, it may be denied for failure to comply with this order.

d. All documents electronically filed must be text searchable, including those scanned into Portable Document Format (PDF) pursuant to LRCiv 7.1(c). The Court may order the removal of a document that does not comply with this subparagraph.

14. Dismissal for Failure to Meet Deadlines. The parties are warned that failure to meet any of the deadlines in this order or in the Federal or Local Rules of Civil Procedure without substantial justification may result in sanctions, including dismissal of the action or entry of default.

15. Requirement for Paper Courtesy Copies. A paper courtesy copy of the administrative record, opening brief, response brief, and reply brief shall be either postmarked and mailed to the Court or hand-delivered to the Judge’s mailbox in the courthouse by the next business day after the electronic filing. Do not attempt to deliver documents to the Judge’s chambers. Courtesy copies should be double-sided and include the ECF-generated header at the top of each page. Courtesy copies of documents too large for stapling must be submitted in three-ring binders, with any attachments or exhibits separated by numbered or labeled tabs.