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

x

Plaintiff(s),

v.

x

Defendant(s).

No. CV-

CASE MANAGEMENT ORDER

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 _____.
2. Deadline for Joining Parties, Amending Pleadings, and Filing Supplemental Pleadings. The deadline for motions to join parties, amend pleadings, and file supplemental pleadings is **60 days** from the date of this Order.
3. Discovery Limitations. Depositions shall be limited to seven (7) hours each as provided in Rule 30(d)(1) of the Federal Rules of Civil Procedure. Each side may propound up to 25 interrogatories, including subparts, 25 requests for production of

1 documents, including subparts, and 25 requests for admissions, including subparts.
2 Deposition shall be four (4) hours each.

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

6 a. Depositions: All depositions shall be scheduled to commence at least
7 **five working days** prior to the discovery deadline. A deposition commenced five days
8 prior to the deadline may continue up until the deadline, as necessary.

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

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

16 d. Special Provisions Regarding Rule 34 Responses: Objections to Rule
17 34 document production requests shall be stated with specificity; general or boilerplate
18 objections are not permitted. Document production in response to a Rule 34 request must
19 be completed no later than the time specified in the request or another reasonable time
20 specified in the response. An objection to a Rule 34 request must state whether any
21 responsive materials have been withheld on the basis of that objection.

22 5. Expert Disclosures and Discovery.

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

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

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

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

6 e. Disclosures under Rule 26(a)(2)(A) must include the identities of
7 treating physicians and other witnesses who will provide testimony under Federal Rules of
8 Evidence 702, 703, or 705, but who are not required to provide expert reports under Rule
9 26(a)(2)(B). Rule 26(a)(2)(C) disclosures are required for such witnesses on the dates set
10 forth above. Rule 26(a)(2)(C) disclosures must identify not only the subjects on which the
11 witness will testify, but must also provide a summary of the facts and opinions to which
12 the expert will testify. The summary, although clearly not as detailed as a Rule 26(a)(2)(B)
13 report, must be sufficiently detailed to provide fair notice of what the expert will say at
14 trial.¹

15 f. As stated in the Advisory Committee Notes to Rule 26 (1993
16 Amendments), expert reports under Rule 26(a)(2)(B) must set forth “the testimony the
17 witness is expected to present during direct examination, together with the reasons
18 therefor.” Full and complete disclosures of such testimony are required on the dates set
19 forth above; absent extraordinary circumstances, parties will not be permitted to
20 supplement expert reports after these dates. The Court notes, however, that it usually
21 permits parties to present opinions of their experts that were elicited by opposing counsel
22 during depositions of the experts. Counsel should depose experts with this fact in mind.

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

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 6. Discovery Disputes.

2 a. If a discovery dispute arises, the parties promptly may call and shall
3 email, with a copy to opposing counsel, the Court (602-322-7630;
4 fine_chambers@azd.uscourts.gov) to request a telephone conference concerning the
5 dispute.² The email should state the nature of the dispute in one to three sentences. The
6 Court will seek to resolve the dispute during the telephone conference, and may enter
7 appropriate orders on the basis of the telephone conference. The Court may order written
8 briefing before the telephone conference and/or after the telephonic appearance if the
9 dispute does not resolve during the telephone conference. The parties shall not file written
10 discovery motions without leave of Court.³

11 b. Parties shall not contact the Court concerning a discovery dispute
12 without first seeking to resolve the matter through personal consultation and sincere effort
13 as required by Local Rule of Civil Procedure 7.2(j). Any briefing ordered by the Court
14 shall also comply with Local Rule of Civil Procedure 7.2(j)

15 c. Absent extraordinary circumstances, the Court will not entertain fact
16 discovery disputes after the deadline for completion of fact discovery, and will not entertain
17 expert discovery disputes after the deadline for completion of expert discovery.

18 7. Dispositive Motions.

19 a. Dispositive motions shall be filed no later than _____. Such motions
20 must comply in all respects with the Federal Rules of Civil Procedure and the Local Rules.

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

23 c. Statements of fact required by Local Rule of Civil Procedure 56.1
24 shall not exceed ten pages in length, exclusive of exhibits. The parties should review

25 _____

26 ² The Court welcomes a courtesy call to chambers that a discovery dispute email has been
27 sent.

28 ³ The prohibition on “written discovery motions” includes any written materials delivered
or faxed to the Court, including hand-delivered correspondence with attachments.

1 *Hunton v. Am. Zurich Ins. Co.*, No. CV-16-00539-PHX-DLR, 2018 WL 1182552, at *5
2 (D. Ariz. Mar. 7, 2018), before briefing summary judgment motions.

3 d. The parties shall not notice oral argument on any motion. Instead, a
4 party desiring oral argument shall place the words “Oral Argument Requested”
5 immediately below the title of the motion or response pursuant to Local Rule of Civil
6 Procedure 7.2(f). The Court will issue an order scheduling oral argument as it deems
7 appropriate.

8 8. Good Faith Settlement Talks. All parties and their counsel shall meet in
9 person and engage in good faith settlement talks no later than _____. Upon
10 completion of such settlement talks, and in no event later than five working days after the
11 deadline set forth in the preceding sentence, the parties shall file with the Court a joint
12 report on settlement talks executed by or on behalf of all counsel. The report shall inform
13 the Court that good faith settlement talks have been held and shall report on the outcome
14 of such talks. The parties shall indicate whether assistance from the Court is needed in
15 seeking settlement of the case. The parties shall promptly notify the Court at any time
16 when settlement is reached during the course of this litigation.

17 9. Briefing Requirements.

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

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

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

1 a form for the completion of the parties' joint proposed Final Pretrial Order, and (c)
2 otherwise instructs the parties concerning their duties in preparing for the Final Pretrial
3 Conference. A firm trial date will be set at the Final Pretrial Conference. Counsel may
4 submit agreed upon proposed trial dates in advance of the Final Pretrial Conference.

5 11. The Deadlines Are Firm. The parties are advised that the Court intends to
6 enforce the deadlines set forth in this Order, and should plan their litigation activities
7 accordingly. The parties are specifically informed that the Court will not, absent truly
8 unusual circumstances, extend the schedule in this case to accommodate settlement talks.

9 12. Requirement for Paper Courtesy Copies. A paper courtesy copy of
10 dispositive motions and any responses or replies thereto shall be either postmarked and
11 mailed to the judge or hand-delivered *to the judge's mail box* located in the courthouse by
12 the next business day after the electronic filing. Please do not attempt to deliver documents
13 to the Judge's chambers. A copy of the face page of the Notice of Electronic Filing shall
14 be appended to the first page of the courtesy copy. Courtesy copies of documents too large
15 for stapling must be bound with a metal prong fastener at the top center of the document
16 or submitted in three-ring binders.

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