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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

❖,  
  
v.  
  
❖,

Plaintiff,

Defendant.

No.

**SCHEDULING ORDER  
[ERISA CASE]**

On ❖, a Scheduling 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 Discovery Plan. On the basis of the Scheduling Conference and the Discovery Plan,

**IT IS HEREBY ORDERED:**

1. Deadline for Initial Disclosures. ❖
2. Deadline for Joining Parties and Amending Pleadings. Motions to join parties or for leave to amend pleadings shall be filed by ❖.
3. Administrative Record. Plaintiff shall submit to the defendant any documents he contends should be in the record that are not included in the record physically delivered to the plaintiff already, by no later than ❖ The Administrative record is to be submitted by no later than ❖
4. Deadline for Briefs. Plaintiff's opening brief is to be filed by no later than ❖. Defendant's response brief is to be filed by no later than❖. Plaintiff's reply brief is to

1 be filed by no later than ❖

2 5. Deadline for Engaging in Good Faith Settlement Talks. All parties and  
3 their counsel shall meet in person and engage in good faith settlement talks no later  
4 than❖. Upon completion of such settlement talks, and in no event later than five working  
5 days after the deadline set forth in the preceding sentence, the parties shall file with the  
6 court a joint Report on Settlement Talks executed by or on behalf of all counsel. The  
7 report shall inform the Court that good faith settlement talks have been held and shall  
8 state whether the case has been settled. The parties shall promptly notify the Court at any  
9 time when settlement is reached during the course of this litigation.

10 The Court will set a settlement conference before a magistrate judge upon request  
11 of all parties.

12 The parties are encouraged to discuss settlement at all times during the pendency  
13 of the litigation. The Court will not, however, extend the case processing deadlines  
14 because the parties wish to avoid litigation expense if and when they elect to pursue  
15 settlement efforts, including a settlement conference before a magistrate judge. The  
16 parties should plan their settlement efforts accordingly.

17 6. The Deadlines Are Real. The parties are advised that the Court intends to  
18 enforce the deadlines set forth in this order, and they should plan their litigation activities  
19 accordingly. The Court will not extend the case processing deadlines because the parties  
20 wish to avoid litigation expense if and when they elect to pursue settlement efforts,  
21 including a settlement conference before a magistrate judge.

22 7. Dismissal for Failure to Meet Deadlines of This Order or of the Rules.  
23 The parties are warned that failure to meet any of the deadlines in this order or in the  
24 Federal Rules of Civil Procedure without substantial justification may result in sanctions,  
25 **including dismissal of the action or entry of default.**

26 8. Requirement for Paper Courtesy Copies. Pursuant to Section II.D.3 of the  
27 Electronic Case Filing Administrative Policies and Procedures Manual, a paper courtesy  
28 copy of dispositive motions and responses and replies thereto and any document

1 exceeding 10 pages in length shall be either post-marked and mailed directly to the judge  
2 or hand-delivered to the judge's mail box located in the courthouse the next business day  
3 after the electronic filing. Courtesy copies of documents too large for stapling must be  
4 submitted in three-ring binders or otherwise firmly bound. If courtesy copies have  
5 exhibits and/or attachments, they must be indexed and tabbed as set forth in the filing. If  
6 courtesy copies are not delivered within three days of the file date, the court may strike  
7 the pleading summarily for failure to follow court rules and this order.

8 DATED this ❖

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