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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Hy Cite Corporation, a	)	CIV 04-2856-PHX-EHC
Wisconsin corporation,	)	
	)	<b>O R D E R</b>
Plaintiff,	)	
	)	
vs.	)	
	)	
Badbusinessbureau.com, LLC,	)	
Ed Magedson, and Xcentric	)	
Ventures, et al.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

A scheduling conference is set for May 15, 2006 at 9:45 a.m.  
Counsel are directed to Rule 16 of the Federal Rules of Civil  
Procedure for the objectives of the conference. At least one of  
the attorneys for each party attending the conference shall have  
authority to enter into stipulations and make admissions regarding  
all matters which may be discussed.

Parties are directed to meet at least 21 days before the  
conference, in accordance with Rule 26(f), Federal Rules of Civil  
Procedure, to discuss the following matters:

- A. Any matters relating to jurisdiction or venue or the joinder of additional parties;
- B. The nature and bases of their claims and defenses and the possibilities for a prompt settlement or resolution of the case;

1 C. A schedule of all pre-trial proceedings;

2 D. Modification of pre-trial procedures due to the  
3 simplicity or complexity of the case;

4 E. Arrangements for Initial Disclosures in compliance with  
5 Rule 26(a)(1), Federal Rules of Civil Procedure. Unless otherwise  
6 stipulated or directed by the Court, Initial Disclosures shall be  
7 made at or within 10 days after the meeting of the parties; and

8 F. Any other matters which counsel may believe will help  
9 dispose of the matter in an efficient manner.

10 G. At this meeting Parties shall develop a **Proposed**  
11 **Discovery Plan** which shall include proposals concerning:

12 1. Suggested changes in the timing, form, or requirement  
13 for disclosures under Rule 26(a), Federal Rules of Civil Procedure,  
14 including a statement of when Initial Disclosures were made or will  
15 be made;

16 2. The scope of discovery, when discovery should be  
17 completed, and whether discovery should be conducted in phases or  
18 should be limited to or focused upon particular issues. For  
19 example, where dispositive motions will be filed (e.g., motions for  
20 summary judgment or a defense relying on the statute of  
21 limitations) counsel should consider limiting discovery to the  
22 issue at hand until the court has ruled on the motion; and

23 Counsel are expected to comply with Rule 26, Federal Rules of  
24 Civil Procedure, and to minimize the expense of discovery.

25 H. Counsel shall file with the Court, not less than **ten days**  
26 before this scheduling conference, a **joint report** reflecting the  
27 results of their meeting and outlining the discovery plan. The  
28

1 report shall include individually numbered brief statements  
2 indicating:

3           1. The nature of the case: the factual and legal basis  
4 of Plaintiff(s) claims and Defendant(s) defenses.

5           2. The factual and legal issues genuinely in dispute  
6 and whether they can be narrowed by stipulation or motions.

7           3. The jurisdictional basis of the case, citing  
8 specific statutes.

9           4. The parties, if any, that have not been served.

10           5. The names of parties not subject to the Court's  
11 jurisdiction.

12           6. Whether there are further dispositive or partially  
13 dispositive issues to be decided by pre-trial motions.

14           7. Whether the case is suitable for reference to  
15 arbitration, to a master, or to a United States Magistrate Judge  
16 for trial.

17           8. The status of related cases pending before other  
18 judges of this court or before other courts.

19           9. A statement of when Initial Disclosures were made or  
20 will be made, or any proposed changes in the requirements for  
21 Initial Disclosures set forth in Rule 26(a), Federal Rules of Civil  
22 Procedure.

23           10. Proposed deadlines for:

24                   (a) discovery;

25                   (b) filing dispositive motions;

26                   (c) disclosure of expert testimony under Rule

27                   26(a)(2)(C), Federal Rules of Civil Procedure; and

28                   (d) filing pre-trial statement.

