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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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WE ARE AMERICA, *et al.* )

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Plaintiffs, )

No. CIV 06-2816-PHX-RCB

14

vs. )

RULE 16 SCHEDULING ORDER

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MARICOPA COUNTY BOARD of )

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SUPERVISORS, *et al.*, )

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Defendants. )

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A Scheduling Conference having been held on October 17,

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2011,

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**IT IS HEREBY ORDERED:**

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1. Fed.R.Civ.P. 26(a)(1) initial disclosures shall be

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made not later than November 18, 2011.

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2. The parties have exchanged initial discovery

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requests, and will, if desired, supplement those requests on

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or before October 17, 2011. The parties will simultaneously

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exchange answers to such discovery 45 days thereafter, or by

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December 1, 2011.

1           3. Fed.R.Civ.P. 26(a)(2) expert disclosure shall be  
2 made as follows:

3           a. Plaintiffs shall disclose their expert  
4 witnesses, if any, and their reports, not later than May 30,  
5 2012.

6           b. Defendants shall disclose their expert  
7 witnesses, if any and their reports, not later than June 15,  
8 2012.

9           c. Any rebuttal expert witness disclosures shall  
10 be completed by no later than July 30, 2012.

11           d. Expert witness depositions shall be completed  
12 by September 15, 2012.

13           4. Fact witness depositions shall be completed by  
14 May 31, 2012.

15           5. All other discovery pursuant to Fed.R.Civ.P. 30,  
16 31, 33, 34, 35 and 36, including supplements thereto, shall  
17 be completed by September 15, 2012. As Fed.R.Civ.P.  
18 33(a)(1) allows, at this juncture the court will not limit  
19 the number of interrogatories. Nor at this juncture will  
20 the court limit the parties' respective requests for  
21 production, if any, or requests for admissions, if any. If  
22 a party deems that service of any of the foregoing by  
23 another party constitutes an abuse of the discovery process,  
24 that party shall file a motion accordingly.

25           In that respect, the parties are directed to LRCiv  
26 7.2(j), which prohibits filing discovery motions unless  
27 parties have first met to resolve any discovery  
28 difficulties. If the parties cannot reach a resolution,

1 they are directed to first arrange a conference call with  
2 the Court to attempt to resolve the matters.

3 This order contemplates that each party will conduct  
4 discovery in such a manner as to complete discovery within  
5 these deadlines. Therefore, all discovery should be sought  
6 within time sufficient to permit responses by the deadlines.  
7 "Last minute or eleventh hour" discovery which results in  
8 insufficient time to complete discovery or to undertake  
9 additional discovery and which requires an extension of a  
10 discovery deadline is disfavored, and could result in denial  
11 of an extension, exclusion of evidence, or the imposition of  
12 other sanctions.

13 6. Given the parties' respective views regarding  
14 initially exploring a possible settlement, as indicated  
15 during the October 17, 2011, Rule 16 Scheduling Conference,  
16 the parties are directed to submit a brief joint letter to  
17 the court concerning status of settlement discussions  
18 containing no specific settlement terms or offers.

19 7. All dispositive motions shall be filed by October  
20 1, 2012. The last day to file responses to motions for  
21 summary judgment or other dispositive motions shall be  
22 November 1, 2012. The last day to file replies, if any, in  
23 support of summary judgment or other dispositive motions  
24 shall be November 19, 2012.

25 8. All pretrial disclosure pursuant to Fed.R.Civ.P.  
26 26(a)(3)(A) shall be served and filed not later than January  
27 15, 2013. Objections pursuant to Fed.R.Civ.P. 23(a)(3)(B)  
28 shall be served and filed no later than February 1, 2013.

1           9. A joint proposed pretrial order shall be lodged by  
2 October 15, 2012. If dispositive motions are filed, then  
3 this pretrial order shall be due either on the above date or  
4 thirty (30) days following ruling on the motions, whichever  
5 is later. The content of the proposed pretrial order shall  
6 include, but not be limited to, that prescribed in a  
7 standard form of Pretrial Order which will be given to  
8 counsel at the Scheduling Conference. Statements made shall  
9 not be in the form of a question, but should be a concise  
10 narrative statement of each party's contention as to each  
11 uncontested and contested issue.

12           10. The attorneys for each party who will be  
13 responsible for trial of the lawsuit shall appear and  
14 participate in a Pretrial Conference on Monday, February 4,  
15 2013, at 10:30 a.m., in Courtroom 606, Sixth Floor, Sandra  
16 Day O'Connor United States Courthouse, 401 West Washington  
17 Street, Phoenix, Arizona. A trial date and any other  
18 necessary deadlines will be set at the Pretrial Conference.

19           DATED this 21st day of October, 2011.

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Robert C. Broomfield  
Senior United States District Judge

copies to all counsel of record