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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Daisy Mountain Fire District,  
Plaintiff,  
vs.  
Microsoft Corporation,  
Defendant.

No. CIV 07-1767-PHX-SMM  
**STANDARD CIVIL TRACK INITIAL ORDER**

Pursuant to the mandate of the Differentiated Case Management system set forth in Rule 16.2 of the Rules of Practice of the United States District Court for the District of Arizona [hereinafter the "Local Rules"], this action, commenced on 09/14/2007, is designated a **STANDARD TRACK** case. Accordingly,

**IT IS ORDERED**, if not already accomplished prior to the date of this Order, that Plaintiff(s) shall effect service of the Complaint and Summons upon all Defendants **no later than 120 days** after the filing of the Complaint. This shall serve as notice to the Plaintiff under Rule 4(m) of the Federal Rules of Civil Procedure that the Court shall dismiss this action without further notice to the Plaintiff with respect to any Defendant named in the Complaint that is not served in accordance with Rule 4 of the Federal Rules of Civil Procedure within that 120 day period.

**IT IS FURTHER ORDERED** that, once service is accomplished upon the Defendant(s) in accordance with Rule 4, counsel for the Plaintiff(s) shall notify the Court in writing when the parties are prepared for a Preliminary Pretrial Conference in accordance

1 with Rule 16(b) of the Federal Rules of Civil Procedure. The Court expects notification as  
2 soon as possible and practicable.

3 **IT IS FURTHER ORDERED** that, upon receipt of notice that the parties are  
4 prepared for a Rule 16 Preliminary Pretrial Conference, the Court will issue a separate Order  
5 which sets the time and date for the Preliminary Pretrial Conference. Because this Court  
6 requires a filing that is broader and more detailed than that proposed in a “Form 35 Report  
7 of Parties’ Planning Meeting,” the Order setting the Rule 16 Preliminary Pretrial Conference  
8 will also instruct the parties regarding the specific contents the Court expects in their  
9 Proposed Case Management Plan.

10 **IT IS FURTHER ORDERED** that full compliance with Rule 26(f) is expected prior  
11 to the date of the Rule 16 Pretrial Conference.

12 **IT IS FURTHER ORDERED** that to satisfy the requirements of Federal Rule of  
13 Civil Procedure 26(a) the parties shall file with the Clerk of the Court a Notice of Initial  
14 Disclosure; copies of the actual disclosures shall therefore not be filed.

15 **IT IS FURTHER ORDERED** that, absent Court approval, no party may seek  
16 discovery from any source before the parties have met and conferred as required by Rule  
17 26(f). Fed. R. Civ. P. 26(d).

18 **IT IS FURTHER ORDERED** that Plaintiff shall serve Defendant(s) with a copy of  
19 this Order.

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21 DATED this 4<sup>th</sup> day of October, 2007.

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25 Stephen M. McNamee  
26 United States District Judge  
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