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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Gary Hamblen, an individual,

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No. CV-08-817-PHX-LOA

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Plaintiff,

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ORDER

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vs.

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WIP, L.L.C., an Arizona company; Deer Valley Center Ltd., a California business, dba Deer Valley Center,

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Defendants.

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This matter arises on the parties' Stipulation to Extend Date for Defendant to Serve Expert Rebuttal Report and Discovery Responses to Plaintiff's First Set of Interrogatories, First Request for Production and First Request for Admissions, filed on February 10, 2009. (docket # 22) The parties seek roughly three-week extensions of Defendant's rebuttal expert report deadline and response date to certain Plaintiff's discovery "in order to conduct settlement negotiations[.]" (*Id.* at 1) The Court deems the parties stipulation to be a joint motion.

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At the September 11, 2008 Rule 16 scheduling conference, and in its Rule 16 Amended Scheduling Order, docket # 19, the Court modified the dates only of the initial Rule 16 Scheduling Order, docket # 13, imposed by the formerly assigned District Judge, the Hon. Frederick J. Martone. One such amendment was to give the parties more time to disclose expert reports and disclosures. The Court also made clear to counsel at the

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1 September 11, 2008 Rule 16 scheduling conference and in its Amended Scheduling Order
2 that these

3 **deadlines are real.** The parties [were] advised that the Court intends
4 to enforce the deadlines set forth in this and the original Scheduling
5 Order. Counsel should plan their litigation activities accordingly.
6 *Hostnut.Com, Inc.v. Go Daddy Software, Inc.*, 2006 WL 2573201 *1
(D. Ariz. 2006). Continuances of these deadlines may be granted only
upon a showing of good cause and by leave of the assigned trial judge.
Settlement negotiations, however, do not constitute good cause.

7 (docket # 19 at 4) Both Judge Martone’s and the undersigned’s scheduling orders forewarn
8 counsel that settlement negotiations do not constitute good cause to extend Rule 16
9 deadlines.

10 Counsel again use the wrong case initials despite the Court’s order to “use the
11 following number and initials on all pleadings and documents filed herein until further order
12 of the Court: No. CV-08-817-PHX-LOA..” (*Id.* at 5) This is not a trivial requirement; wrong
13 case numbers have led to incorrect filings and costly delays in other cases. Further violations
14 of the September 11, 2008 Order in this regard may result in the sanction of striking the
15 pleading or other document pursuant to LRCiv 83.1(f) or the Court’s inherent authority.

16 Good cause not appearing,

17 **IT IS FURTHER ORDERED** that the parties’ Joint Motion Extend Date for
18 Defendant to Serve Expert Rebuttal Report and Discovery Responses to Plaintiff’s First Set
19 of Interrogatories, First Request for Production and First Request for Admissions, docket #
20 22, is **DENIED**.

21 **IT IS FURTHER ORDERED** that counsel shall use the following caption,
22 number and initials on all further pleadings or documents filed herein until further order of
23 the Court, to wit: No. CV-08-817-PHX-LOA.

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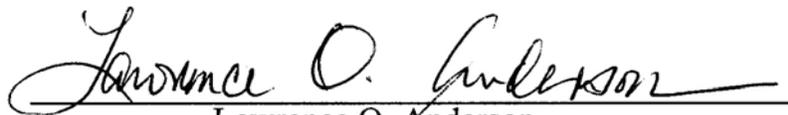
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IT IS FURTHER ORDERED that counsel shall use proper capitalization in all future captions as mandated by LRCiv 7.1(a)(3).

DATED this 11th day of February, 2009.


Lawrence O. Anderson
United States Magistrate Judge