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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

\$93,110.00 in U. S. Currency.

Defendant.

Elsa Bernal,

Claimant.

No. CV-08-1499-PHX-LOA

ORDER

This matter arises upon all parties' recent voluntary consent in writing to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1). (docket # 10)

In light of the undersigned's responsibilities under the Civil Justice Reform Act; the Complaint's allegations of violations of, among others, 18 U.S.C. § 881(a)(6); 8 U.S.C. § 1324(a)(1)(A)(ii) and (iii); and that the procedure in civil *in rem* forfeiture actions is governed by the Federal Rules of Civil Procedure to the extent consistent with the Supplemental Rules for Certain Admiralty and Maritime Claims [Supplemental Rule C, 28 U.S.C.A.], and otherwise by the Supplemental Rules themselves, *United States v. One Glock 19*, 2007 WL 2438361 (N.D. Cal. 2007); *United States v. 3 Parcels in La Plata County, Colo.*, 919 F.Supp. 1449, 1452 (D. Nev. 1995) (*in rem* forfeiture action pursuant to 21 U.S.C. § 881); *United States v. \$38,570*, 950 F.2d 1108 (5th Cir. 1992),

1 **IT IS ORDERED:**

2 (1) that a scheduling conference will be held pursuant to Rule 16(b), F.R.Civ.P.,
3 before the undersigned on **Thursday, October 23, 2008 at 3:30 p.m.** in the undersigned's
4 chambers, Suite 322, Third Floor, Sandra Day O'Connor United States Courthouse, 401 West
5 Washington Street, Phoenix, AZ. Lead counsel for each party shall be physically present and
6 shall have his client's authority to enter into binding stipulations and make admissions
7 regarding all matters which may be discussed. Rule 16(c), FED.R.CIV.P.

8 Parties are directed to confer **at least ten (10) days** before the conference, in
9 accordance with Rule 26(f), F.R.Civ.P., to discuss the following matters:

10 A. Any matters relating to jurisdiction or venue or the joinder of additional
11 1961(l)parties;

12 B. The nature and bases of their claims and defenses and the possibilities for a
13 prompt settlement or resolution of the case;

14 C. A schedule of all pretrial proceedings;

15 D. Modification of pretrial procedures due to the simplicity or complexity of the
16 case;

17 E. Any other matters which counsel believe may help dispose of the matter in
18 an efficient manner.

19 F. Counsel shall file with the Court by **3:00 p.m. on Thursday, October 16,**
20 **2008,**a proposed **Joint Case Management Report** reflecting the results of their meeting and
21 outlining the discovery plan. The report shall include individually numbered brief statements
22 indicating:

23 1. The nature of the case: the factual and legal basis of plaintiff's claims
24 and defendants' defenses.

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

27 3. The federal jurisdictional basis of the case citing specific statutes.

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

1 5. Whether there are dispositive or partially dispositive issues to be
2 decided by pretrial motions.

3 6. The status of related cases pending before other Judges of this
4 District Court or before other courts.

5 7. Suggested changes, if any, in the limitations on discovery imposed
6 by Rule 26(b)(2), F.R.Civ.P., and to minimize the expense of discovery.

7 8. A statement of whether initial disclosures were made or will be
8 made, or any proposed changes in the requirements for initial disclosures set forth in Rule
9 26(a), F.R.Civ.P.

10 9. Proposed deadlines for:

11 (a) filing motions to amend pleadings and motions to
12 join additional parties;

13 (b) disclosure of expert testimony under Rule 26(a)(2)(C), F.R.Civ.P.;

14 (c) completing discovery;

15 (d) filing dispositive motions; and

16 (e) filing a pretrial statement

17 (f) suggested date(s) for the final pretrial conference and trial.

18 10. Estimated length of trial.

19 11. Whether a jury trial has been requested.

20 12. The prospects for settlement. Does any party wish to have a
21 settlement conference before this or another Magistrate Judge? How can settlement efforts
22 be assisted?

23 13. Any unusual, difficult, or complex problems affecting the conduct
24 of the case.

25 14. Any other matters which counsel believe will aid in expediting the
26 disposition of this matter more quickly.

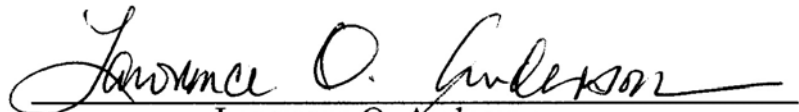
27 After the conference and pursuant to Rule 16(b), FED.R.CIV.P., the Court will
28 enter orders setting the time within which counsel may file pretrial motions, complete

1 discovery, and file dispositive motions. The Court's order shall control the course of the
2 action unless modified by subsequent order.

3 **IT IS FURTHER ORDERED** that the parties shall keep the Court apprised
4 of the possibility of settlement and should settlement be reached, the parties shall
5 immediately file a Notice of Settlement with the Clerk of the Court with a copy to this
6 Court's chambers. LRCiv 40.2(d). This Court views compliance with the provisions of this
7 Order as critical to its case management responsibilities and the responsibilities of the parties
8 under Rule 1 of the Federal Rules of Civil Procedure.

9 **IT IS FURTHER ORDERED** that Claimant's counsel **may** appear
10 telephonically for the scheduling conference provided Claimant's counsel makes prior
11 arrangements with the undersigned's Judicial Assistant no later than **5:00 p.m., Thursday,**
12 **October 16, 2008** by calling the undersigned's chambers at (602) 322-7620.

13 DATED this 15th day of September, 2008.

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16 Lawrence O. Anderson
17 United States Magistrate Judge
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