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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,
Plaintiff,
vs.
Kathleen E. Gratz,
Defendant.

No. CV 07-1811-PHX-MHM
CASE MANAGEMENT ORDER

On February 19, 2008, a Case Management Conference was held pursuant to Rule 16(b) of the Federal Rules of Civil Procedure. The parties met before the conference in accordance with Rule 26(f) and prepared a Case Management Report. On the basis of the Case Management Conference and the Case Management Report,

IT IS HEREBY ORDERED:

1. Deadline for Initial Disclosures. Initial disclosures required by Federal Rule of Civil Procedure 26(a), if not already exchanged, shall be exchanged no later than February 29, 2008. The parties shall file with the Clerk a Notice of Initial Disclosure, rather than copies of the actual disclosures.
2. Deadline for Joining Parties and Amending Pleadings. The deadline for joining parties and amending pleadings is **60 days** from the date of this Order.
3. Discovery Limitations. Depositions in this case shall be limited to seven hours each as provided in Rule 30(d)(2) of the Federal Rules of Civil Procedure. Each side may

1 propound up to 40 interrogatories, including subparts, 40 requests for production of
2 documents, including subparts, and 40 requests for admissions, including subparts. The
3 limitations set forth in this paragraph may be increased by mutual agreement of the parties,
4 but such an increase will not result in an extension of the discovery deadlines set forth below.

5 4. Deadline for Completion of Fact Discovery. The deadline for completing fact
6 discovery shall be May 12, 2008. To ensure compliance with this deadline, the following
7 rules shall apply:

8 a. Depositions: All depositions shall be scheduled to commence at least
9 **five working days** prior to the discovery deadline. A deposition commenced five days prior
10 to the deadline may continue up until the deadline, as necessary.

11 b. Written Discovery: All interrogatories, requests for production of
12 documents, and requests for admissions shall be served at least **45 days** before the discovery
13 deadline.

14 c. Notwithstanding Local Rule of Civil Procedure 7.3(c), the parties may
15 mutually agree, without Court approval, to extend the time provided for discovery responses
16 in Rules 33, 34, and 36 of the Federal Rules of Civil Procedure. Such agreed-upon
17 extensions, however, shall not alter or extend the discovery deadlines set forth in this Order.

18 5. Deadlines for Disclosure of Experts and Completion of Expert Discovery.

19 a. The Plaintiff(s) shall provide full and complete expert disclosures as
20 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than June
21 23, 2008.

22 b. The Defendant(s) shall provide full and complete expert disclosures as
23 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than June
24 23, 2008.

25 c. Rebuttal expert disclosures, if any, shall be made no later than June 23,
26 2008. Rebuttal experts shall be limited to responding to opinions stated by initial experts.

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1 d. Expert depositions shall be completed no later than June 23, 2008. As
2 with fact witness depositions, expert depositions shall be scheduled to commence at least five
3 working days before the deadline.

4 e. Disclosures under Rule 26(a)(2)(A) must include the identities of
5 treating physicians and other witnesses who have not been specially employed to provide
6 expert testimony in this case, but who will provide testimony under Federal Rules of
7 Evidence 702, 703, or 705. A Rule 26(a)(2)(B) report is required for any opinion of such
8 witnesses that was not developed in the course of their treatment or other factual involvement
9 in this case.

10 f. As stated in the Advisory Committee Notes to Rule 26 (1993
11 Amendments), expert reports disclosed under Rule 26(a)(2)(B) must set forth “the testimony
12 the witness is expected to present during direct examination, together with the reasons
13 therefore.” Full and complete disclosures of such testimony are required on the dates set
14 forth above; absent truly extraordinary circumstances, parties will not be permitted to
15 supplement their expert reports after these dates.

16 6. Discovery Disputes.

17 a. The parties shall not file written discovery motions without leave of
18 Court.¹ If a discovery dispute arises, the parties promptly shall contact the Court to request
19 a telephone conference concerning the dispute. The Court will seek to resolve the dispute
20 during the telephone conference, and may enter appropriate orders on the basis of the
21 telephone conference. The Court may order written briefing if it does not resolve the dispute
22 during the telephone conference.

23 b. Parties shall not contact the Court concerning a discovery dispute
24 without first seeking to resolve the matter through personal consultation and sincere effort
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27 ¹ The prohibition on “written discovery motions” includes any written materials
28 delivered or faxed to the Court, including hand-delivered “correspondence” with
attachments.

1 as required by Local Rule of Civil Procedure 7.2(j). Any briefing ordered by the Court shall
2 also comply with Local Rule of Civil Procedure 7.2(j).

3 c. Absent extraordinary circumstances, the Court will not entertain fact
4 discovery disputes after the deadline for completion of fact discovery, and will not entertain
5 expert discovery disputes after the deadline for completion of expert discovery.

6 7. Deadline for Filing Dispositive Motions.

7 a. Dispositive motions shall be filed no later than July 28, 2008. Such
8 motions must comply in all respects with the Federal Rules
9 of Civil Procedure and the Local Rules.

10 b. No party shall file more than one motion for summary judgment under
11 Rule 56 of the Federal Rules of Civil Procedure unless permission is first obtained, by joint
12 telephone call, from the Court.

13 c. Failure to respond to a motion within the time periods provided in Local
14 Rule of Civil Procedure 7.2 will be deemed a consent to the denial or granting of the motion
15 and the Court may dispose of the motion summarily pursuant to Local Rule of Civil
16 Procedure 7.2(i).

17 d. The parties shall not notice oral argument on any motion. Instead, a
18 party desiring oral argument shall place the words "Oral Argument Requested" immediately
19 below the title of the motion pursuant to Local Rule of Civil Procedure 7.2(f). The Court will
20 issue a Minute Entry Order scheduling oral argument as it deems appropriate.

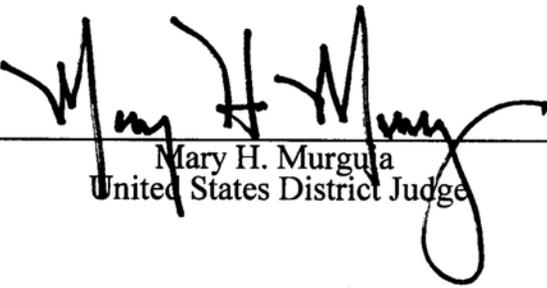
21 8. Deadline for Notice of Readiness for Pretrial Conference. The Plaintiff(s) shall
22 notify the Court that the parties are ready for scheduling of a Final Pretrial Conference
23 pursuant to Rule 16(d) of the Federal Rules of Civil Procedure. The Plaintiff(s) shall file and
24 serve this notice within **ten days** of the dispositive motion deadline if no dispositive motions
25 are pending on that date. If dispositive motions are pending, Plaintiff(s) shall file and serve
26 such notice within **ten days** after the resolution of dispositive motions. The Court will then
27 issue an Order Setting Final Pretrial Conference that (a) sets deadlines for briefing motions
28 in limine, (b) includes a form for the completion of the parties' joint proposed Final Pretrial

1 Order, and (c) otherwise instructs the parties concerning their duties in preparing for the
2 Final Pretrial Conference. A firm trial date will be set at the Final Pretrial Conference.

3 9. The Deadlines Are Real. **The Court fully intends to enforce the deadlines**
4 **in the Case Management Order. No extensions to the dispositive motion cutoff date will**
5 **be granted due to case processing problems, discovery disputes, or settlement**
6 **negotiations. The parties should plan their litigation activities accordingly.**

7 DATED this 19th day of February, 2008.

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Mary H. Murgula
United States District Judge