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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 United States of America,

No. CV 11-698-PHX-FJM

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Plaintiff,

**ORDER**

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vs.

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James Leslie Reading et al,

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Defendant.

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16 The court has before it a Joint Motion seeking an amendment to the Rule 16 Order.  
17 (Doc. 40). We had earlier denied the parties' request to amend the Order. (Doc. 38). The  
18 renewed motion reduces the request by 30 days, but still grounds the request on the parties'  
19 interest in resolving discovery disputes. We fail to see the relationship between an interest  
20 in resolving discovery disputes and diligence. The Rule 16 Order was entered six months  
21 ago. It expressly advised the parties that the dispositive motion cutoff date would not be  
22 extended for discovery disputes or settlement negotiations. Order of September 2, 2011 at  
23 1. (Doc. 22).

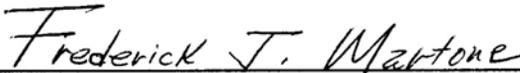
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25 We suspect that out-of-District counsel fail to appreciate that this District takes the  
26 Civil Justice Reform Act seriously, and that Rule 16 orders are not aspirational. Discovery  
27 should take place early in the life of a case, and if disputes develop, court intervention should  
28 be sought immediately upon breakdown. Were it otherwise, the parties' violation of the  
order or the rules of court would be an excuse to amend the order. As noted in our Order of

1 March 6, 2012 (doc. 38), an extension of the dispositive motion cutoff date would  
2 undermine the remainder of the Rule 16 Order.

3 In contrast, a thirty day extension of the discovery cutoff date will do no violence to  
4 the remainder of the plan, as long as the parties understand that its consequences will not be  
5 offered to amend the remainder of the Rule 16 Order. Accordingly, it is ORDERED  
6 DENYING the Joint Motion to extend the dispositive motion cutoff date, but GRANTING  
7 the Joint Motion to extend the discovery cutoff by 30 days, to and including May 11, 2012.  
8 (Doc. 40). Neither this extension nor its consequences shall be offered as a reason to amend  
9 the remainder of the Rule 16 Order.

10 DATED this 19<sup>th</sup> day of March, 2012.

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14 Frederick J. Martone  
15 United States District Judge  
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