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

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Republic Services, Inc., et al.,)

No. CV-12-1979-PHX-SMM

9

Plaintiffs,)

(Lead Case)

10

vs.)

TRANSFER ORDER

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Indian Harbor Ins. Co.,)

12

Defendant.)

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14

Indian Harbor Ins. Co.,)

No. CV-13-2642-PHX-SRB

15

Plaintiff,)

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vs.)

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Republic Services, Inc.; Allied Services,)

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LLC, d/b/a Republic Services Of)

19

Bridgeton; and Bridgeton Landfill, LLC,)

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Defendants.)

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Indian Harbor Ins. Co.,)

No. CV-14-252-PHX-NVW

22

Plaintiff,)

23

vs.)

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Republic Services, Inc. and BFI Waste)

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Systems of North America, LLC.,)

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Defendants.)

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Pending before the Court is the Uncontested Motion of Defendant Indian Harbor

1 Insurance Company to Transfer Other Cases Pending in This District to a Single Judge. (Doc.
2 84.) Also pending are the parties' stipulations to extend certain case management deadlines.
3 (Docs. 87, 90.)

4 The parties state that the two cases requested for transfer and the case currently before
5 this Court all involve substantially the same parties, and that transfer to a single Judge will
6 help the parties in the three cases to coordinate and streamline certain discovery. The parties
7 further state that they are only seeking a transfer at this time and not a trial consolidation.

8 The Court will grant the uncontested motion to transfer. The Court will further grant
9 the parties' stipulations to extend certain case management deadlines.

10 Accordingly,

11 **IT IS HEREBY ORDERED** directing the Clerk of Court to transfer Indian Harbor
12 Insurance Company v. Republic Services, Inc.; Allied Services, LLC, d/b/a Republic
13 Services Of Bridgeton; and Bridgeton Landfill, LLC, Case No. CV 13-2642-PHX-SRB, and
14 Indian Harbor Insurance Company v. Republic Services, Inc. and BFI Waste Systems of
15 North America, LLC, Case No. CV 14-252-PHX-NVW, to this Court before the Honorable
16 Stephen M. McNamee. (Doc. 84.) The cases are transferred to this Court for pretrial
17 proceedings only, leaving for future determination whether the cases will be consolidated for
18 trial.

19 **IT IS FURTHER ORDERED** that all documents concerning any of the named cases
20 will be filed under the name of the lead case Republic Services, Inc., et al., v. Indian Harbor
21 Ins. Co., No. CV 12-1979-PHX-SMM.

22 **IT IS FURTHER ORDERED** granting the parties' stipulations to extend certain case
23 management deadlines. (Docs. 87, 90.)

24 **IT IS FURTHER ORDERED** setting the following case management deadlines.

25 **Deposition Scheduling.** The parties shall complete fact depositions relating to the
26 Lee County and Middle Point sites as follows:

27 1. Depositions of witnesses with knowledge pertinent solely to the Lee County site or
28 the Middle Point site may commence immediately and shall be completed by **Friday, June**

1 **13, 2014.**

2 2. Depositions of witnesses with knowledge pertinent to either of the Lee County or
3 Middle Point sites or other matters at issue in this action, as well as the Bridgeton and/or the
4 Missouri City sites or matters at issue in those actions, may commence on May 23, 2014 and
5 shall be completed by **Friday, October 31, 2014**. In all events, each such witness shall be
6 deposed only once, with the deposition deemed as taken in all actions. A fourteen (14) hour
7 deposition time limit shall apply to each such deposition.

8 **Written Discovery Schedule.** The parties shall complete written discovery as to the
9 Lee County and Middle Point sites as follows.

10 3. Written discovery shall be served no later than **Friday, June 13, 2014**; provided,
11 however, that the parties may serve additional written discovery requests (subject to the
12 limits in Fed.R.Civ.P. 33, 34, and 36) after June 13, 2014 but no later than **Friday, October**
13 **31, 2014** for good cause, including, but not limited to, discovery of documents or information
14 that was not previously requested but was identified by any witness deposed between June
15 13, 2014 and October 31, 2014. Requests for admissions concerning the authenticity and/or
16 admissibility of documents may be served no later than **Friday, December 5, 2014**.

17 **Expert and Other Scheduling.** Additional deadlines relating to this matter are as
18 follows:

19 4. Motions for consolidation, severance, bifurcation or other structural changes to this
20 action shall be filed by **Friday, September 26, 2014**.

21 5. Expert witness disclosures and depositions relating to the Lee County and Middle
22 Point sites, or any of the claims otherwise asserted in this action, shall be conducted on the
23 following schedule:

24 a. Republic's expert witness disclosures, including expert reports pursuant to
25 Fed.R.Civ.P. 26, shall be served by **Friday, December 5, 2014**;

26 b. Indian Harbor's expert witness disclosures, including expert reports pursuant
27 to F.R.Civ.P. 26, shall be served by **Friday, January 16, 2015**;

28 c. Any rebuttal expert disclosures and related Fed.R.Civ.P. 26 reports shall be

1 served by **Friday, February 20, 2015;**

2 d. Expert depositions shall be completed by **Friday, March 27, 2015.**

3 6. **Dispositive Motions.** Plaintiffs, collectively, and Defendant shall each file no more
4 than one summary judgment motion per site. All summary judgment motions shall be filed
5 and served by **Friday, April 17, 2015.**

6 **IT IS FURTHER ORDERED** that all parties have reserved their rights on the
7 question of whether to later seek and/or oppose trial consolidation or severance of one or
8 more sites or actions. Accordingly, scheduling and motions relating to the exclusion of
9 expert witnesses or expert testimony is deferred for the Court's later scheduling.

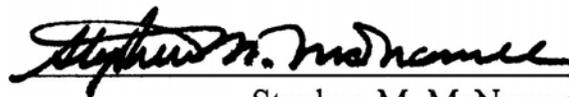
10 **IT IS FURTHER ORDERED** that, if no dispositive motions are pending before the
11 Court after the dispositive motions deadline has passed, Plaintiff(s) shall file a Notice of
12 Readiness for Order Re: Final Pretrial Conference within ten (10) days of the dispositive
13 motions deadline.

14 **IT IS FURTHER ORDERED** that, if dispositive motions are pending before the
15 Court following the dispositive motions deadline, the Court will issue an Order Re: Final
16 Pretrial Conference following its resolution of the dispositive motions, if necessary.

17 **IT IS FURTHER ORDERED** that the Order Re: Final Pretrial Conference shall: 1)
18 set deadlines for the filing of and response to motions in limine; 2) instruct the parties on
19 their duties in preparing for the Final Pretrial Conference and for trial; and 3) include a form
20 for the completion of the parties' Proposed Pretrial Form of Order.

21 **IT IS FURTHER ORDERED** that the parties shall keep the Court informed
22 regarding the possibility of settlement and should settlement be reached, the parties shall file
23 a Notice of Settlement with the Clerk of the Court.

24 DATED this 14th day of March, 2014.

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27 Stephen M. McNamee
28 Senior United States District Judge