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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Thelma Bossort, )

No. 09-CV-8102-PCT-PGR

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Plaintiff, )

**SCHEDULING ORDER**

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v. )

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Kindred Nursing Centers West, L.L.C., a )

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Delaware limited liability company, d/b/a )

Kachina Point Health Care and )

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Rehabilitation Center, )

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Defendants. )

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A Scheduling Conference having been held before this Court on Wednesday, December 2, 2009,

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IT IS ORDERED that:

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(1) Motions pursuant to Fed.R.Civ.P. 12(b), motions to amend pleadings, and motions to join additional parties shall be filed no later than **Thursday, December 31, 2009.**

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(2) The parties shall confer regarding electronic discovery disclosure and privileged information requirements of Fed.R.Civ.P. 26(f), as well as exchange their respective initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1), no later than **Wednesday, December 23, 2009.** The parties and shall file a joint report with the Court no later than **Thursday, January 7, 2010,** that addresses any unresolved issues and any agreements regarding discovery of electronically stored information and the forms in which it should be produced, and any unresolved issues and agreements related to assertions of privilege or work product

1 protection, including whether a protective order should be entered. The parties shall also file  
2 a notice of their exchange of initial disclosures.

3 (3) The parties shall disclose their expert witnesses, if any, and their reports in  
4 compliance with Fed.R.Civ.P. 26(a)(2)(B) no later than **Monday, March 15, 2010**. The  
5 parties shall disclose their rebuttal experts' reports, if any, in compliance with Fed.R.Civ.P.  
6 26(a)(2)(B) no later than **Friday, May 14, 2010**. Expert witness depositions shall be  
7 completed no later than **Friday, May 14, 2010**.

8 (4) All discovery, including answers to interrogatories, shall be completed by  
9 **Thursday, April 15, 2010**, and supplemental disclosures and discovery responses shall  
10 thereafter be made as required by Fed.R.Civ.P. 26(e). Discovery which cannot be timely  
11 responded to prior to the discovery deadline will be met with disfavor, and could result in  
12 denial of an extension, exclusion of evidence, or the imposition of other sanctions. Parties  
13 are directed to LRCiv 7.2(j), which prohibits filing discovery motions unless the parties have  
14 first met to resolve any discovery difficulties. If parties cannot reach a resolution of  
15 discovery disputes arising during depositions, they are directed to arrange a conference call  
16 with the Court to resolve the disputes.

17 (5) All dispositive motions shall be filed by **Friday, June 11, 2010**.

18 (6) A Joint Pretrial Statement shall be filed no later than **Monday, September 13,**  
19 **2010**. If dispositive motions are filed, then this Joint Pretrial Statement shall be due either  
20 on the above date or 30 days following the resolution of the motions, whichever is later. The  
21 content of the Joint Pretrial Statement shall include, but not be limited to, that prescribed in  
22 a standard form of Joint Pretrial Statement provided to the parties. The parties shall augment  
23 the Joint Pretrial Statement as necessary so it contains all of the pretrial disclosures as  
24 defined and required by Fed.R.Civ.P. 26(a)(3). It shall be the responsibility of the plaintiff  
25 to timely initiate the process of drafting the Joint Pretrial Statement and the plaintiff shall  
26 submit its draft of the Joint Pretrial Statement to the defendant no later than ten business days  
27 prior to the date for filing the Joint Pretrial Statement.

1 (5) Motions in limine shall be filed no later than **the date of the filing of the Joint**  
2 **Pretrial Statement.** Responses to motions in limine are due ten business days after service.  
3 **No replies are permitted.** The hearing on the motions in limine, if one is permitted by the  
4 Court, will take place at the time of the Pretrial Conference. **No motion in limine shall be**  
5 **filed unless a statement of moving counsel is attached thereto certifying that after personal**  
6 **consultation and sincere efforts to do so, counsel have been unable to satisfactorily resolve**  
7 **the matter.**

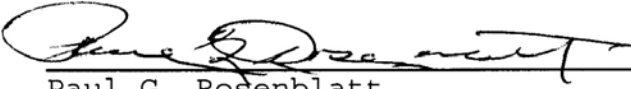
8 (6) The attorneys for each party who will be responsible for trial of the lawsuit, or  
9 the parties if pro per, shall appear and participate in a Pretrial Conference on **Monday,**  
10 **October 4, 2010, at 11:00a.m., in Courtroom 601.** Because Pretrial Conferences are held  
11 for the parties' benefit, and further because the parties' presence will facilitate frank  
12 discussion of the pertinent issues in the lawsuit, each party or a representative with binding  
13 settlement authority shall attend the Pretrial Conference.

14 (7) Directions for filing trial briefs, proposed findings of fact and conclusions of  
15 law or proposed jury instructions and voir dire questions, and for marking trial exhibits shall  
16 be set forth in a subsequent order by this Court.

17 (8) Unless subsequently ordered by the Court, the jury trial of this action shall  
18 commence on **Tuesday, October 19, 2010, at 9 a.m.,** in Courtroom 601, Phoenix, Arizona.

19 (9) **The parties are cautioned that the deadlines set in this Scheduling Order shall**  
20 **be enforced, and that the Court will not entertain any stipulations to continue them -**  
21 **any request to extend any of the deadlines set herein must be made by means of a**  
22 **motion, joint or otherwise, and no such motion shall be granted unless very good cause**  
23 **is shown.**

24 DATED this 2nd day of December, 2009.

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28 Paul G. Rosenblatt  
United States District Judge