

1 WO

2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF ARIZONA**

8 Water Tec of Tucson, Inc., an Arizona  
corporation, )

CV 09-434 TUC DCB  
(LEAD)

9 Plaintiff, )

10 v. )

11 Water Tec International, Inc., an Arizona  
12 corporation, )

13 Defendant. )

14 \_\_\_\_\_ )  
15 Richard J. DeGrave and Lupita DeGrave,  
husband and wife, )

CV 12-747 TUC DCB  
(CONSOLIDATED)

16 Plaintiffs/Counterdefendants, )

17 v. )

18 Water Tec of Tucson Inc., an Arizona  
corporation, Richard Leigh DeGrave and  
19 Jennifer DeGrave, husband and wife and  
20 individually, )

**ORDER SETTING RULE 16  
SCHEDULING CONFERENCE**

21 Defendants/Counterplaintiffs. )  
22  
23

24 **IT IS ORDERED** that, pursuant to Rule 16, Federal Rules of Civil Procedure, a  
25 Pretrial Scheduling Conference is set for **Tuesday, July 23, 2013 at 10:00 a.m.** **The**  
26 **conference will be held telephonically with the Judge's law clerk, Greer Barkley.**  
27 **Plaintiffs' counsel shall initiate the conference call with all appropriate parties on the**  
28 **line to (520) 205-4560.** In the event that counsel wishes to personally appear at the

1 scheduling conference, counsel shall give such notice to the law clerk assigned this case at  
2 least 3 days prior to the conference.

3 Counsel are directed to consult the Federal Rules of Civil Procedure for the  
4 objectives of the conference. At least one of the attorneys for each party attending the  
5 conference shall have authority to enter into stipulations and make admissions regarding all  
6 matters which may be discussed.

7 **IT IS FURTHER ORDERED** that, pursuant to Rule 26(f) of the Federal Rules of  
8 Civil Procedure, counsel are directed to confer at least **21 days** prior to the scheduling  
9 conference to discuss the following matters:

- 10 1. Any matters relating to jurisdiction or venue or the joinder of additional parties;
- 11 2. The scope of discovery. Counsel are expected to comply with Rule 26(f), Federal  
12 Rules of Civil Procedure, and seek to minimize the expense of discovery. The  
13 parties shall determine how to handle the disclosure or discovery of electronically  
14 stored information. The parties shall make any agreements as to how to handle  
15 claims of privilege or claims of protection for trial-preparation materials asserted  
16 after production;
- 17 3. Initial Disclosures. **Prior to or when the parties confer pursuant to Rule 26(f),**  
18 **counsel should make the necessary disclosures required under Rule 26(a)(1).**  
19 **See Fed. R. Civ. P. 26(a)(1)(C) (providing for the Court to set the time for**  
20 **initial disclosures), see Fed. R. Civ. P.26(f)(2) (providing for initial**  
21 **disclosures to be made when parties confer). The parties shall include in**  
22 **their discovery plan when they made initial disclosures. Fed. R. Civ.**  
23 **P.26(f)(3)(A);**
- 24 4. A schedule for all pre-trial proceedings;
- 25 5. Modification of pre-trial procedures due to the simplicity or complexity of the  
26 case;
- 27 6. Prospects for settlement; and

1 7. Any other matters which counsel may feel will help dispose of the matter in an  
2 efficient manner.

3 **IT IS FURTHER ORDERED** that the parties shall prepare a **joint** Case  
4 Management Plan and file it with the Court not less than **5 days** before the Rule 16  
5 scheduling conference. The report shall include individually numbered brief statements  
6 indicating:

- 7 1. The names and telephone numbers for counsel who are appearing at the Pretrial  
8 Scheduling Conference.
- 9 2. The nature of the case, setting forth the factual and legal basis of plaintiff's claims  
10 and defendant's defenses;
- 11 3. The factual and legal issues genuinely in dispute and whether they can be  
12 narrowed by stipulation or motions;
- 13 4. The jurisdictional basis of the case, citing specific statutes;
- 14 5. The parties, if any, that have not been served;
- 15 6. The names of parties not subject to the Court's jurisdiction;
- 16 7. Whether there are dispositive or partially dispositive issues to be decided by  
17 pre-trial motions;
- 18 8. Whether the case is suitable for reference to arbitration, to a master, or to a  
19 magistrate for trial;
- 20 9. The status of related cases pending before other judges of this court or before  
21 other courts;
- 22 10. Proposed deadlines for discovery, including when initial disclosures were  
23 made; filing dispositive motions, and a pre-trial statement;
- 24 11. Estimated date that the case will be ready for trial and the estimated length  
25 of trial;
- 26 12. Whether a jury trial has been requested;

