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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Anthony Eric Emerson,

10 Plaintiff,

11 v.

12 Corizon Incorporated, et al.,

13 Defendants.  
14

No. CV-16-00229-TUC-DCB

**ORDER**

15 This case having been stayed for 90 days and now returned to the Court's active  
16 docket, a case management scheduling conference was held on April 9, 2019. The Court  
17 reviewed the parties' Joint Case Management Report, and they agreed to proceed as  
18 follows:

19 \* The Defendants may immediately refile their previously filed dispositive  
20 motion, which this Court denied as moot when it entered the stay.

21 \* The Plaintiff may file a Motion to Amend the Complaint.

22 \* Subsequent to both motions being fully briefed the Court shall rule, and in  
23 the event, this matter proceeds thereafter the case shall proceed as a standard track case,  
24 LRCiv. 16.2(b)(2)(B), as follows:

25 **IT IS ORDERED** that the parties abide by the following schedule and rules:

26 1. Initial disclosures required by Federal Rule of Civil Procedure 26(a) have been  
27 completed.

28 2. The Plaintiff shall disclose any expert witnesses and reports to the Defendant on

1 or before: **3 months after disposition of the above referenced motions.** The Defendant  
2 shall have 30 days from the date of Plaintiff's expert witness disclosure to disclose any  
3 experts and their reports. Plaintiff may have 15 days, thereafter, to disclose any rebuttal  
4 expert opinions.

5 3. Discovery shall be completed by: **6 months after disposition of the above**  
6 **referenced motions.**

7 Counsel are reminded that they are not to file the actual disclosures with the Court,  
8 just the notices of disclosure, pursuant to the Rules of Practice of the United States District  
9 Court for the District of Arizona (Local Rules), LR Civ.5.2. Discovery is governed by the  
10 Federal Rules of Civil Procedure in regard to limitations on interrogatories and depositions.  
11 Leave of Court is required for any divergence from the federal rules. Interrogatories must  
12 be submitted sufficiently in advance to permit the opposing party to answer before the  
13 discovery deadline, thereby giving the party submitting the interrogatories sufficient time  
14 to undertake discovery made necessary by the answers.

15 In the event of a dispute over discovery matters, the parties' attorneys are cautioned  
16 to first engage in personal consultation regarding the dispute and to make a sincere effort  
17 to resolve the conflict. See Local Rule 7.2(j). Counsel should act to resolve discovery  
18 disputes quickly. If such efforts fail, Counsel should then jointly call the Judge's law clerk  
19 to arrange a schedule for resolving the dispute expeditiously.

20 4. Dispositive motions shall be filed by: **30 days following the close of discovery.**  
21 Counsel are reminded that all motions, memoranda, and pleadings submitted for the Court's  
22 review and decision must comply with the filing, time, and form requirements of the Local  
23 Rules.

24 Pursuant to LR Civ. 7.2(i), failing to file the requisite responsive memorandum or  
25 failing to appear at oral argument may be deemed a consent to the granting or denial of a  
26 motion, and the Court may dispose of the motion summarily.

27 Dispositive motions shall be set for oral argument at the request of counsel. All  
28 other motions shall be set for oral argument, if requested by counsel, at the discretion of

1 the Court. A party desiring oral argument on a motion shall request argument by placing  
2 “Oral Argument Requested” immediately below the title of the motion or response,  
3 pursuant to LR Civ. 7.2(f). The Court will set oral argument accordingly.

4 When any pleadings or memoranda are appended with more than one exhibit, the  
5 exhibits shall be divided by tabbed dividers, and there shall be a table of contents for the  
6 exhibits. All documents submitted to the Court shall have two holes punched at the top-  
7 center using a standard two-hole punch. Additionally, all documents shall be secured on  
8 the left-hand side either by a staple or in some other fashion so that pages can be turned  
9 without the document falling apart. This applies to an original filed under seal and all  
10 copies. JUDGE’S COURTESY COPIES ARE REQUIRED, which “shall reference[] the  
11 specific document number, [and] shall be printed directly from CM/ECF.” See LR Civ.  
12 5.4; Administrative Policies and Procedures Manual § II.D (emphasis added).

13 5. The parties shall file their joint proposed pretrial order by: **30 days after the**  
14 **close of discovery**. In the event dispositive motions are filed after the close of discovery,  
15 the joint proposed pretrial order will be due 30 days after the Court has decided the motions.  
16 A sample form of the pretrial order is attached.

17 6. The pretrial conference will be set upon receipt of the joint proposed pretrial  
18 order. The attorneys responsible for trial of the lawsuit shall appear and participate in the  
19 Pretrial Conference. At the pretrial conference the Court will set the deadlines for filing  
20 and disposing of the following matters: proposed *voir dire*, jury instructions, trial  
21 memorandum, deposition testimony to be used at trial, and motions *in limine*.

22 7. This matter shall be tried to a jury. The trial date will be set at the Pretrial  
23 Conference.

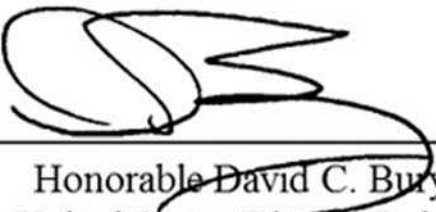
24 8. Court imposed discovery deadlines cannot be extended by counsel without Court  
25 approval. Continuances will not be freely granted. Any requests for extensions must be  
26 made in writing and made prior to the expiration of the time prescribed. The request must  
27 identify whether it is opposed, the number of prior continuances requested, the discovery  
28 conducted to date, the anticipated discovery to be done if the request is granted, and the

1 reasons why discovery has not been completed within the deadline. Motions to continue  
2 any Court imposed deadlines must be accompanied by a form of order for the Court's  
3 signature. The form of Order must be in Word. It must comply with LR Civ. 7.1(b) (2)  
4 and be emailed to: bury\_chambers@azd.uscourts.gov.

5 9. In order to assist and promote settlement of the cases pending before this  
6 Court, cases may be referred for settlement conferences. Should the parties wish to  
7 participate in a Settlement Conference, they are directed to contact the law clerk assigned  
8 to the case.

9 Dated this 16th day of April, 2019.

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Honorable David C. Bury  
United States District Judge

**FORM OF PRETRIAL ORDER**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV          TUC DCB
	)	
	)	<b>JOINT PROPOSED PRETRIAL ORDER</b>
	)	
Defendant.	)	
	)	

(Although the text of the pretrial order appears in single space, the actual order submitted by the parties must be double spaced and conform in all other respects to the Local Rules.)

The following are pretrial proceedings in this cause as agreed to by the parties and approved by the Court:

**I. NATURE OF ACTION**

This is an action for: (Short concise statement of the case, including the nature of the action and the relief sought.)

**II. STATEMENT OF JURISDICTION**

Statement of jurisdiction: (state the claims and cite the statutes which give this Court jurisdiction over each claim.)

**III. CONTESTED ISSUES OF LAW/FACT**

State the ultimate issues of fact and law which must be decided at trial. State only the issues of fact and law necessary and material for a verdict in this case. Each issue must be stated separately and specifically.

1 **IV. LIST OF EXHIBITS**

2 Each party shall list the exhibits it intends to offer at trial.

3 **V. LIST OF WITNESSES**

4 Each party shall list the witnesses it intends to call at trial.

5 **VI. JURY TRIAL or BENCH TRIAL**

6 The parties shall state whether the trial is a jury or bench trial.

7 **For a Jury Trial**

8 At the Pretrial Conference, the Court will direct the parties to file proposed voir dire,  
9 objections to exhibits, deposition testimony, stipulated jury instructions, stipulations,  
10 counsel's additional proposed jury instructions, motions in limine, and trial memoranda 20  
11 days prior to trial. Any opposition shall be filed five days thereafter.

12 **For a Bench Trial**

13 At the Pretrial Conference, the Court will direct the parties to file trial briefs,  
14 objections to exhibits, motions in limine, stipulations, and proposed findings of fact and  
15 conclusions of law 20 days prior to trial. Any opposition shall be filed five days thereafter.

16 **VII. PROBABLE LENGTH OF TRIAL**

17 Each party shall identify the estimated length of time it will take to present its case.

18 **VIII. CERTIFICATION**

19 **The undersigned counsel for each of the parties in this action do hereby approve  
20 and certify the form and content of this proposed Joint Pretrial Order.**

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Attorney for Plaintiff

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Attorney for Defendant