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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Mikeal Glenn Stine,

10 Plaintiff,

11 v.

12 Barbara Von Blanckensee, et al.,

13 Defendants.  
14

No. CV-20-00489-TUC-DCB

**CASE MANAGEMENT  
SCHEDULING ORDER**

15 Plaintiff is a pro se prisoner who has filed an action alleging civil rights violations.  
16 *See* Fed. R. Civ. P. 26(a)(1)(B)(iv) (exempting from Rule 26 initial disclosure requirements  
17 actions brought without an attorney by a person in custody); LRCiv. 16.2(b)(2)(B) (setting  
18 case management deadlines for cases designated on the detainee track). The following  
19 Scheduling Order, entered pursuant to Fed.R.Civ.P. 16, shall govern the course of this  
20 action:

21 **IT IS ORDERED** that the parties abide by the following:

22 1. **Any motion for summary judgment regarding exhaustion of administrative**  
23 **remedies shall be filed within 60 days of the filing date of this Order.** *Albino v. Baca*,  
24 747 F.3d 1162 (9<sup>th</sup> Cir. 2014). If such a motion is filed by that date, discovery is stayed,  
25 and the deadlines set in this scheduling order are continued to begin running from the date  
26 the motion for summary judgment is resolved. Alternatively, if no such motion is filed by  
27 that date, the deadlines commence immediately.  
28

1           2. The deadline for disclosure of all lay and expert witnesses is: **120 days from the**  
2 **filing date of this Order or 120 days from the filing date of the Order resolving any**  
3 **motion for summary judgment regarding exhaustion.**

4           3. All discovery shall be completed by: **150 days from the filing date of this**  
5 **Order or 150 days from the filing date of the Order resolving any motion for summary**  
6 **judgment regarding exhaustion.** Parties are reminded that they are not to file the actual  
7 disclosures with the Court, just the notices of disclosure.

8           In the event of a dispute over discovery matters, parties are cautioned to first engage  
9 in personal consultation regarding the dispute and to make a sincere effort to resolve the  
10 conflict. The parties should act to resolve discovery disputes quickly. The moving party  
11 must certify that after consultation, the parties have been unable to resolve the matter.  
12 LRCiv. 7.2(j).

13           4. Dispositive motions, other than the exhaustion motion, shall be filed by: **30 days**  
14 **from the end of discovery.**

15           Motions, including dispositive motions, shall be set for oral argument, if requested  
16 by counsel, and at the discretion of the Court. A party desiring oral argument on a motion  
17 shall request argument by placing “Oral Argument Requested” immediately below the title  
18 of the motion or response, pursuant to LR Civ. 7.2(f). The Court will set oral argument  
19 accordingly.

20           When any pleadings or memoranda are appended with more than one exhibit, the  
21 exhibits shall be divided by tabbed dividers, and there shall be a table of contents for the  
22 exhibits. All documents shall be secured on the left-hand side either by a staple or in some  
23 other fashion so that pages can be turned without the document falling apart. This applies  
24 to an original filed under seal and all copies. **JUDGE’S COURTESY COPIES ARE**  
25 **REQUIRED, which “shall reference[] the specific document number, [and] shall be**  
26 **printed directly from CM/ECF.”** See LR Civ. 5.4; Administrative Policies and  
27 Procedures Manual § II.D (emphasis added).

28

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

4 5. The parties shall file their joint proposed pretrial order by: **30 days from the**  
5 **close of discovery or, if a dispositive motion is filed, 30 days from the filing date of the**  
6 **Order resolving the dispositive motion.**

7 6. The pretrial conference will be set upon receipt of the joint proposed pretrial  
8 order. The parties responsible for trial of the lawsuit shall appear and participate in the  
9 Pretrial Conference. At the pretrial conference the Court will set the deadlines for filing  
10 and disposing of the following matters: proposed voir dire, jury instructions, trial  
11 memorandum, deposition testimony to be used at trial, and motions in limine.

12 7. A jury demand has been made.

13 8. Court imposed discovery deadlines cannot be extended by a party without Court  
14 approval. Continuances will not be freely granted. Any requests for extensions must be  
15 made in writing and made prior to the expiration of the time prescribed. The request must  
16 identify whether it is opposed, the number of prior continuances requested, the discovery  
17 conducted to date, the anticipated discovery to be done if the request is granted, and the  
18 reasons why discovery has not been completed within the deadline.

19 9. Plaintiff must file and serve a notice of a change of address 10 days before the  
20 move is effective, if practicable. Plaintiff must not include a motion for other relief with  
21 a notice of change of address. Failure to comply may result in dismissal. Plaintiff is  
22 warned that failure to timely comply with every provision of this Order, including these  
23 warnings, may result in dismissal of this action without further notice. *See Ferdik v.*  
24 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action  
25 for failure to comply with any order of the Court).


26 **IT IS FURTHER ORDERED** that in the event a Motion for Summary Judgment  
27 regarding exhaustion is filed, it is the responsibility of the parties to track the alternative  
28 case management deadlines as continued, herein.

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**IT IS FURTHER ORDERED** that pursuant to this Court's Order (Doc. 19), Defendant Von Blackensee is DISMISSED.

**IT IS FURTHER ORDERED** that the Motion to Expedite Ruling on TRO (Doc. 32) is DENIED AS MOOT because the Court simultaneously with the issuance of the Scheduling Order has issued an Order denying the Motion for a TRO.

Dated this 27th day of May, 2021.



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Honorable David C. Bury  
United States District Judge

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

8 )  
9 )  
10 Plaintiff, )  
11 v. ) CV TUC DCB  
12 )  
13 ) **JOINT PROPOSED PRETRIAL ORDER**  
14 Defendant. )  
15 )

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

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

20  
21 **I. NATURE OF ACTION**

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

23 **II. STATEMENT OF JURISDICTION**

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

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

27 State the ultimate issues of fact and law which must be decided at trial. State only the  
28 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