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

Russell B. Toomey,

Plaintiff,

v.

State of Arizona, et al.,

Defendants.

No. CV 19-0035-TUC-RM (LCK)

ORDER

This case is part of the Mandatory Initial Discovery Pilot project (“MIDP”) being conducted in the District of Arizona under General Order 17-08. Under the MIDP, parties must respond to mandatory initial discovery subjects early in the litigation and before traditional discovery begins under the Federal Rules of Civil Procedure. General Order 17-08, ¶ (A)(2). The General Order provides that “[a] party seeking affirmative relief must serve its responses to the mandatory initial discovery no later than 30 days after the first pleading filed under Rule 12(a) in response to its complaint, counterclaim, crossclaim, or third-party complaint.” *Id.*, ¶ (A)(6). It further provides that “[a] party filing a responsive pleading, whether or not it also seeks affirmative relief, must serve its initial discovery responses no later than 30 days after it files its responsive pleading under Rule 12(a).” *Id.*¹

¹ These requirements do not apply if the parties certify that no discovery will be conducted in the case, and may be extended for 30 days if the parties jointly certify to the Court that they are seeking to settle the case and have a good faith belief that it will be resolved within 30 days of the due date for their responses. *Id.*

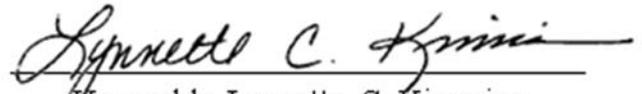
1 The parties in this case have requested an extension of all Defendants' time to
2 respond to the Complaint. (Docs. 15, 16.) The Court concludes that the parties have shown
3 good cause and will grant a one-time 30-day extension for Defendants to respond to the
4 Complaint. Because the effectiveness of the MIDP depends in part on early disclosures,
5 the Court will not grant additional extensions. The parties' obligations to produce the
6 information called for in the MIDP will be triggered by a Defendant's responsive pleading
7 under Rule 12(a). General Order 17-08, ¶ (A)(6).

8 Accordingly,

9 **IT IS ORDERED** that Defendants' requests for extension of time to respond to the
10 Complaint (Docs. 15, 16) are **GRANTED**. No further extensions will be allowed.

11 **IT IS FURTHER ORDERED** that all Defendants shall respond to the Complaint
12 on or before **March 18, 2019**.

13 Dated this 14th day of February, 2019.

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17 Honorable Lynnette C. Kimmins
18 United States Magistrate Judge
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