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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Russell B. Toomey,
Plaintiff,

vs.

State of Arizona; et al.,
Defendants.

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

) **ORDER**

IT IS ORDERED THAT:

A video Scheduling Conference will be held in the above entitled action on **Friday, September 18, 2020, at 10:30 a.m.**, before the Honorable Magistrate Judge Leslie A. Bowman. The parties should specify in their joint report who will be participating for each party. The parties are directed to Rule 16 of the Federal Rules of Civil Procedure for the objectives of this conference.

Parties are directed to confer at least 14 days prior to the conference, in accordance with Rule 26(f), Federal Rules of Civil Procedure, to discuss the following matters:

A. Any matters relating to jurisdiction, venue, or joinder of additional parties;

B. The nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case;

C. The scope of discovery, and possible limitations thereof; See FED.R.CIV.P. 26(b).

Counsel are expected to comply with Rule 26(f) of the Federal Rules of Civil Procedure and seek to minimize the expense of discovery;

1 D. A schedule of all pretrial proceedings, an estimate of the length of trial, and any
2 suggestions for shortening trial;

3 E. Modification of pretrial procedures due to the simplicity or complexity of the case;

4 F. Prospects for settlement, including any request to have a settlement conference
5 before another Magistrate Judge or participating in any other alternative dispute resolution
6 forum;

7 G. The parties' responsibilities under the Mandatory Initial Discovery Pilot Project;

8 H. The possibility of consent to trial before a United States Magistrate Judge pursuant
9 to 28 U.S.C. §636(c), suitability for referral to arbitration or any other alternative dispute
10 resolution mechanism, or reference to a master;

11 I. Any other matters which counsel may feel will help dispose of the matter in an
12 efficient and economical manner.

13 **IT IS FURTHER ORDERED:**

14 Counsel shall file with the Court, not less than **seven calendar days** before the
15 Scheduling Conference, a **joint report** reflecting the results of their discussion. The report
16 shall include individually numbered brief statements indicating:

17 1. The nature of the case, setting forth in brief statements the factual and legal basis
18 of the claims and defenses. The parties shall include a skeletal list of the elements of proof
19 necessary for each count of the complaint and each affirmative defense;

20 2. The factual and legal issues genuinely in dispute, and whether they can be
21 narrowed by stipulation or motion;

22 3. The jurisdictional basis of the case, citing specific statutes. If the complaint (or
23 removal document) alleges diversity jurisdiction, parties shall specify the place of
24 incorporation and principal place of business of corporations, and the states of citizenship of
25 all members of unincorporated entities including partnerships, L.L.C.s, etc.;

26 4. Parties, if any, that have not been served, as well as parties that have not filed an
27 answer or other appearance, including fictitious parties.

28 5. The names of parties not subject to the Court's jurisdiction;

1 6. Whether there are further dispositive or partially dispositive issues to be decided
2 by pretrial motions, and the legal issues about which any pretrial motions are contemplated;

3 7. Whether the case is suitable for reference to arbitration or to a master, or whether
4 the parties consent to trial before a United States Magistrate Judge pursuant to 28 U.S.C.
5 §636(c);

6 8. The status of related cases pending before other judges of this Court or before other
7 courts;

8 9. A statement describing the parties' compliance with the discovery requirements
9 of the Mandatory Initial Discovery Pilot Project.

10 10. Suggested changes, if any, in the limitations on discovery imposed by the Local
11 Rules and the Federal Rules of Civil Procedure;

12 11. Proposed deadlines for:

13 (a) filing motions to amend the complaint and to join additional parties (The usual
14 deadline is three months from the date of the scheduling conference.);

15 (b) pretrial disclosure of lay witnesses, expert witnesses, and expert testimony
16 pursuant to Rule 26(a)(2) and (3), Federal Rules of Civil Procedure (The usual
17 deadline is four months for initial witness lists and one additional month for rebuttal
18 witnesses.);

19 (c) completing discovery (The usual deadline is six months.);

20 (d) filing dispositive motions (The usual deadline is seven months.);

21 (e) lodging proposed joint pretrial order (The usual deadline is eight months if no
22 dispositive motions are filed or, if they are, one month after dispositive motions are resolved
23 by the court.); and

24 (f) filing a joint letter to the Court concerning the status of settlement discussions (The
25 usual deadline is six months after the scheduling conference and again every two months
26 thereafter.);

27 12. Estimated date and length of trial;

28 13. Whether a jury trial has been requested;

1 14. The prospects for settlement, including any request to have a settlement
2 conference before a United States Magistrate Judge;

3 15. Whether any unusual, difficult, or complex problems or issues exist that would
4 require this case to be placed on the complex track for case management purposes; and

5 16. Any other matters that the parties feel will aid the Court in expediting the
6 disposition of this matter efficiently.

7
8 After the conference, the Court will enter a Scheduling Order, which shall control the
9 course of this action, unless modified by subsequent Order. The parties are cautioned that
10 the **deadlines set at this conference shall be enforced.**

11 It is the responsibility of the plaintiff to initiate the communication necessary to
12 prepare this joint report.

13 This Court views this Scheduling Conference as critical to its case management
14 responsibilities and the responsibilities of the parties under Rule 1, Federal Rules of Civil
15 Procedure.

16 DATED this 13th day of August, 2020.

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22 *Leslie A. Bowman*

23 _____
24 Leslie A. Bowman
25 United States Magistrate Judge
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