

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

AF Holdings, LLC, a St. Kitts and Nevis  
limited liability company,

Plaintiff,

v.

David Harris,

Defendant.

No. CV-12-02144-PHX-GMS

**ORDER SETTING RULE 16 CASE  
MANAGEMENT CONFERENCE**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a Case Management Conference is set for **January 18, 2013 at 9:00 a.m.** in Courtroom 602, Sandra Day O'Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix, Arizona 85003-2151. In preparation for this Case Management Conference,

**IT IS HEREBY ORDERED** as follows:

A. Initial Disclosures.

The parties shall provide initial disclosures in the form and on the schedule required by Federal Rule of Civil Procedure 26(a)(1). The parties shall file with the Clerk of Court a Notice of Initial Disclosure; copies of the actual disclosures need not be filed.

B. Rule 26(f) Meeting and Case Management Report.

The parties are directed to meet and confer at least 21 days before the Case Management Conference as required by Federal Rule of Civil Procedure 26(f)(1). At this meeting the parties shall develop a joint Case Management Report which contains the

1 following information in separately numbered paragraphs:

2 1. The parties who attended the Rule 26(f) meeting and assisted in developing  
3 the Case Management Report and the date of the meeting;

4 2. A list of the parties in the case, including any parent corporations or entities  
5 (for recusal purposes);

6 3. A short statement of the nature of the case (**3 pages or less**), including a  
7 description of each claim and defense;

8 4. The jurisdictional basis for the case, describing the basis for the jurisdiction  
9 (see the accompanying footnote) and citing specific jurisdictional statutes;<sup>1</sup>

10 5. Any parties which have not been served and an explanation of why they  
11 have not been served; and any parties which have been served but have not answered or  
12 otherwise appeared;

13 6. A statement of whether any party expects to add additional parties to the  
14 case or otherwise to amend or supplement pleadings (the Court will set a deadline of not  
15 later than 60 days after the Case Management Conference to join parties and amend or  
16 supplement pleadings);

17 7. A listing of contemplated motions and a statement of the issues to be  
18 decided by these motions (including motions under Federal Rules of Evidence 702, 703,  
19 704, and 705) and whether a party wishes to file a case dispositive motion prior to the  
20 initiation of discovery;

21 8. Whether the case is suitable for reference to a United States Magistrate

---

22  
23 <sup>1</sup> If jurisdiction is based on diversity of citizenship, the report shall include a statement of  
24 the citizenship of every party and a description of the amount in dispute. *See* 28 U.S.C.  
25 §1332. The parties are reminded that (1) a corporation is a citizen of the state where it is  
26 incorporated and the state of its principal place of business and (2) partnerships and  
27 limited liability companies are citizens of every state in which one of their members or  
28 partners resides. *See* 28 U.S.C. §1332(c); *Indus. Tectonics v. Aero Alloy*, 912 F.2d 1090,  
1092 (9th Cir. 1990); *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350  
F.3d 691, 692 (7th Cir. 2003). The parties are further reminded that the Federal Rules of  
Civil Procedure do not provide for the use of fictitious parties and that the naming of a  
“John Doe” or “ABC Corporation” party “casts no magical spell on a complaint  
otherwise lacking in diversity jurisdiction.” *Fifty Assocs. v. Prudential Ins. Co. of Am.*,  
446 F.2d 1187, 1191 (9th Cir. 1970) (citations omitted).

1 Judge for a settlement conference or trial;

2 9. The status of related cases pending before other courts or other judges of  
3 this Court;

4 10. A statement of when the parties exchanged Federal Rule of Civil Procedure  
5 26(a) initial disclosures. The Court expects that consistent with the Rules, initial  
6 disclosures will have been exchanged at least seven (7) days prior to the Rule 16 Pretrial  
7 Management Conference, if not earlier. *See, e.g.*, Rule 26(a)(1)(C). A review of the  
8 disclosure statements and materials provided therewith may assist in making the Rule 16  
9 conference more productive. If the parties have not exchanged initial disclosures prior to  
10 the Rule 16 conference they should be prepared to explain to the Court why the mutual  
11 exchange has not occurred;

12 11. A discussion of any issues relating to disclosure or discovery of  
13 electronically stored information, including the form or forms in which it should be  
14 produced (*see* Rules 16(b)(5), 26(f)(3));

15 12. A discussion of any issues relating to claims of privilege or work product  
16 (*see* Rules 16(b)(6), 26(f)(4));

17 13. A discussion of necessary discovery, including:

- 18 a. The extent, nature, and location of discovery anticipated by the  
19 parties;
- 20 b. Suggested changes, if any, to the discovery limitations imposed by  
21 the Federal Rules of Civil Procedure and Local Rule of Civil  
22 Procedure 16.2;
- 23 c. The number of hours permitted for each deposition, unless extended  
24 by agreement of the parties.

25 14. Proposed specific dates for each of the following (deadlines should fall on a  
26 Friday unless impracticable):

- 27 a. A deadline for the completion of fact discovery;<sup>2</sup>

28 <sup>2</sup> The discovery deadline is the date by which all discovery must be completed.

- 1           b.     Dates for full and complete expert disclosures under Federal Rule of
- 2                     Civil Procedure 26(a)(2)(A)-(C);
- 3           c.     A deadline for completion of all expert depositions;
- 4           d.     A deadline for filing dispositive motions;
- 5           e.     A date by which the parties shall have engaged in good faith
- 6                     settlement talks.

7           In proposing such deadlines, the parties should keep in mind that civil trials should  
8 occur within eighteen (18) months of the filing of the complaint. 28 U.S.C. Sec.  
9 473(a)(2)(B) (2006). The Case Management Order will specify trial scheduling up to the  
10 final pretrial conference. The Court anticipates setting trial shortly after the final pretrial  
11 conference. **Thus, once the dates have been set in the Case Management Order the**  
12 **Court will not vary them in the absence of good cause, even should the parties**  
13 **stipulate to do so. The Court does not consider settlement talks or the scheduling of**  
14 **mediations to constitute good cause for an extension.**

15           15.    Whether a jury trial has been requested and whether the request for a jury  
16 trial is contested (if the request is contested, briefly set forth the reasons);

17           16.    The estimated length of trial and any suggestions for shortening the trial;

18           17.    The prospects for settlement, including any request of the Court for  
19 assistance in settlement efforts; and

20  
21  
22  
23  
24  
25  
26

---

27   Discovery requests must be served and depositions noticed sufficiently in advance of this  
28   date to ensure reasonable completion by this deadline, including time to resolve  
discovery disputes. Absent extraordinary circumstances, the Court will not entertain  
discovery disputes after this deadline.

1           18. Any other matters that will aid the Court and parties in resolving this case  
2 in a just, speedy, and inexpensive manner as required by Federal Rule of Civil Procedure  
3 1. The parties shall jointly file the Case Management Report with the Clerk **not less than**  
4 **seven (7) days** before the Case Management Conference. It is the responsibility of  
5 Plaintiff(s) to initiate the Rule 26(f) meeting and preparation of the joint Case  
6 Management Report. Defendant(s) shall promptly and cooperatively participate in the  
7 Rule 26(f) meeting and assist in preparation of the Case Management Report.

8 C. Case Management Conference and Order.

9           The Court directs counsel to Federal Rule of Civil Procedure 16 for the objectives  
10 of the Case Management Conference. Counsel who will be responsible for trial of the  
11 lawsuit for each party shall appear and participate in the Case Management Conference  
12 and shall have authority to enter into stipulations regarding all matters that may be  
13 discussed. A continuance of the Case Management Conference will be granted only for  
14 good cause and will not be granted beyond the time limit set forth in Federal Rule of  
15 Civil Procedure 16(b).

16           During or after the Case Management Conference the Court will enter a Case  
17 Management Order. The form of the Court's standard Case Management Order can be  
18 found on the Court's website at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges and Courtrooms and  
19 Orders, Forms and Procedures. The Court fully intends to enforce the deadlines in the  
20 Case Management Order. The parties should plan their litigation activities accordingly.

21 D. Other Matters.

22           Counsel for all parties are expected to comply fully with the Federal and Local  
23 Rules of Civil Procedure and to minimize the expense of discovery. Counsel should  
24 ensure that all pleadings comply with Local Rules of Civil Procedure 7.1 and 7.2.

25 ///

26 ///

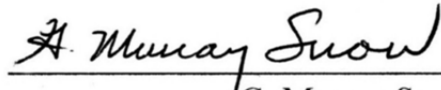
27 ///

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Clerk of the Court shall send copies of this Order to all counsel of record and to any parties appearing in propria persona.

Dated this 20th day of November, 2012.

  
\_\_\_\_\_  
G. Murray Snow  
United States District Judge