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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Daniel Arthur Gutenkauf,)	CV-10-2129-PHX-FJM
Plaintiff(s),)	ORDER
vs.)	
City of Tempe et al.,)	
Defendant(s).)	

Pursuant to LRCiv 16.2 governing differentiated case management, this action, which commenced on Ocotber 5, 2010 is designated a **standard track** case. Accordingly,

IT IS HEREBY ORDERED:

Pursuant to Rule 16, Federal Rules of Civil Procedure, a Scheduling Conference is set for **June 17, 2011** at **2:00 p.m.** in Courtroom 506, Fifth Floor, Sandra Day O'Connor U.S. District Courthouse, 401 W. Washington Street, Phoenix, Arizona. Counsel are directed to Rule 16 for the objectives of this conference. Counsel may appear by telephone. **Please notify chambers in advance at 602-322-7590 if you plan to appear telephonically.**

IT IS FURTHER ORDERED that all parties are directed to meet at least 21 days before the scheduling conference, in accordance with Rule 26(f), Federal Rules of Civil Procedure, to discuss the following matters:

1. Any matters relating to jurisdiction, venue or joinder of additional parties;
2. The nature and bases of their claims and defenses and the possibilities for a prompt settlement or resolution of the case;

1 3. A schedule of all pretrial proceedings, including any evidentiary hearings
2 pursuant to Rule 702, Federal Rules of Evidence;

3 4. Arrangements for Initial Disclosures in compliance with Rule 26(a)(1) of the
4 Federal Rules of Civil Procedure. Initial Disclosures shall be made at the initial Rule 26(f)
5 case management meeting or within 14 days after the meeting;

6 5. The subjects on which discovery may be needed and when discovery should be
7 completed.

8 **IT IS FURTHER ORDERED** that at the Rule 26(f) Case Management Meeting, the
9 parties shall develop a **PROPOSED CASE MANAGEMENT PLAN**. This plan shall
10 include individually numbered brief statements concerning:

11 1. The nature of the case, setting forth in brief statements (no more than
12 one-half page each side) the factual and legal basis of plaintiff's claims and defendant's
13 defenses;

14 2. A brief skeletal list of the elements of proof necessary for each count
15 of the Complaint and each affirmative defense (no more than two pages);

16 3. The factual and legal issues genuinely in dispute (no more than one page
17 each side);

18 4. The jurisdictional basis of the case, citing specific statutes. Specify the
19 place of incorporation and principal place of business of corporations, and the states of
20 citizenship of all members of unincorporated entities including partnerships, LLCs, etc.;

21 5. Parties, if any, which have not been served, as well as parties which
22 have not filed an answer or other appearance, including fictitious parties. Unless counsel can
23 otherwise show cause, an order shall accompany the joint report dismissing any party which
24 has not been served, fictitious or unnamed parties, or seeking default judgment against any
25 non-appearing party;

26 **If a party has been served, but has not appeared, plaintiff or counter-**
27 **claimant shall give notice of this order to that party. Rule 16(b)(2), Fed. R. Civ. P.**

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

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

4 8. Whether the case is suitable for reference to a United States Magistrate
5 Judge for settlement conference;

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

8 10. A statement of when initial disclosures were made or will be made;

9 11. Proposed dates for:

10 (a) Last day to file motions to amend the complaint and to join additional
11 parties.

12 (b) Disclosure of expert testimony by plaintiff under Rule 26(a)(2), Fed. R.
13 Civ. P.

14 (c) Disclosure of expert testimony by defendant under Rule 26(a)(2), Fed.
15 R. Civ. P.

16 (d) Disclosure of rebuttal expert testimony.

17 (e) Disclosure of all witnesses, exhibits and other matters under Rule
18 26(a)(3), Fed. R. Civ. P.

19 (f) Closure of all discovery.

20 (g) Last day to file dispositive motions.

21 (h) The lodging of a joint proposed pretrial order (about 150 days after last
22 day to file dispositive motions).

23 (i) The final pretrial conference (on a Friday at 3:00 p.m. about one week
24 after lodging proposed pretrial order and two weeks before trial).

25 (j) Firm trial date (third Tuesday of month at 9:00 a.m.);

26 12. The estimated length of trial, and any suggestions for shortening the
27 trial;

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