

1 NOT FOR PUBLICATION

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 _____,
10 Plaintiff(s),
11 v.
12 _____,
13 Defendant(s).

No. CV-_____ -JJT
RULE 16 SCHEDULING ORDER
(E.R.I.S.A. Case)

14 Pursuant to the terms of the Case Management Plan and the representations made
15 by the parties at the Rule 16 Scheduling Conference, all parties shall comply with the
16 deadlines established in this Order. The court cautions the parties and their counsel that it
17 will strictly enforce the deadlines set forth in this Rule 16 Scheduling Order. The
18 Fed. R. Civ. P. as amended June 15, 2015, shall apply to all proceedings concerning this
19 case.

20 1. Defendants shall provide Plaintiff a copy of the Administrative Record in
21 this matter no later than _____.

22 2. The Court permits Plaintiff to serve written discovery on the limited issue
23 of the degree of deference afforded to the claims administrator's decisions under the
24 abuse of discretion standard discussed at the Scheduling Conference; Plaintiff will serve
25 that discovery no later than _____. Discovery by interrogatory
26 shall be governed by Fed. R. Civ. P. 33 unless otherwise ordered by the Court.

27 3. If Plaintiff elects to do so after receiving answers to those interrogatories,
28 she may depose witnesses on the same limited issues. Plaintiff must complete scheduling

1 of all such depositions by _____, and complete all such
2 depositions by February 27, 2015. Depositions shall be limited as provided by Rules 30
3 and 31 of the Fed. R. Civ. P.

4 4. The parties shall not file written discovery motions without leave of the
5 court. Except during a deposition, if a discovery dispute arises and cannot be resolved
6 despite sincere efforts to resolve the matter through personal consultation (in person or by
7 telephone), the parties shall jointly file (1) a brief written summary of the dispute, not to
8 exceed one page, with explanation of the position taken by each party and (2) a joint
9 written certification that counsel or the parties have attempted to resolve the matter
10 through personal consultation and sincere effort as required by LRCiv 7.2(j) and have
11 reached an impasse. If the opposing party has refused to personally consult, the party
12 seeking relief shall describe the efforts made to obtain personal consultation. Upon
13 review of the filed written summary of the dispute, the court may set a telephonic
14 conference, order written briefing, or decide the dispute without conference or briefing.
15 Any briefing ordered by the court shall also comply with LRCiv 7.2(j). If a discovery
16 dispute arises in the course of a deposition and requires an immediate ruling of the court
17 – a circumstance that should be exceedingly rare – the parties shall jointly contact the
18 court telephonically.

19 5. The deadline for engaging in good faith settlement talks is
20 _____.

21 6. The parties shall each file their opening briefs on _____.
22 On the same date, Defendants also shall file, under seal, the Administrative Record. The
23 parties shall each file their responsive briefs on _____. There
24 will be no Pre-Trial Conference in this matter. After receipt of the above items, the Court
25 will set a date for oral argument.