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

Mi Familia Vota, et al.,
Plaintiffs,
v.
Katie Hobbs, et al.,
Defendants.

**NO. CV-21-01423-PHX-DWL
CASE MANAGEMENT ORDER**

The Court enters the following Case Management Order to govern the litigation in this case:

1. Initial Disclosures. The deadline for making the initial disclosures required by Federal Rule of Civil Procedure 26(a)(1) is **December 30, 2021**.
2. Deadline for Joinder, Amending Pleadings, and Filing Supplemental Pleadings. No motions to join parties, amend pleadings, or filing supplemental pleadings shall be filed.
3. Federal Rule of Evidence 502(d) Non-Waiver Order. The Court orders that a communication or information covered by the attorney-client privilege or work-product protection that is disclosed in connection with the litigation pending before the Court does not waive the privilege or protection in this or any other federal or state proceeding. This provision does not require any party agreement, and it avoids the need to litigate whether an inadvertent production was reasonable. By reducing the risk of waiver, this Order affords parties the opportunity to reduce the cost of discovery by reducing preproduction

1 privilege review.

2 4. Discovery Limitations. Depositions shall be limited to seven hours each, as
3 provided in Rule 30(d)(1) of the Federal Rules of Civil Procedure. A party may serve on
4 any other party up to 25 interrogatories, including subparts, 25 requests for production of
5 documents, including subparts, and 25 requests for admissions, including subparts. The
6 limitations set forth in this paragraph may be increased by mutual agreement of the parties,
7 but such an increase will not result in an extension of the discovery deadlines set forth in
8 this Order.

9 5. Fact Discovery. The deadline for completion of fact discovery, including discovery
10 by subpoena and all disclosure required under Rule 26(a)(3), shall be **November 18, 2022.**
11 To ensure compliance with this deadline, the following rules shall apply:

12 a. Depositions: All depositions shall be scheduled to start at least five working
13 days before the discovery deadline. A deposition started five days before the deadline may
14 continue up until the deadline, as necessary.

15 b. Written Discovery: All interrogatories, requests for production of
16 documents, and requests for admissions shall be served at least **45 days** before the fact
17 discovery deadline.

18 c. Notwithstanding Local Rule of Civil Procedure 7.3, the parties may mutually
19 agree in writing, without Court approval, to extend the time for providing discovery in
20 response to requests under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure.
21 Such agreed-upon extensions, however, shall not alter or extend the deadlines set forth in
22 this Order.

23 d. Notwithstanding any provisions of the Federal Rules of Civil Procedure, non-
24 party witnesses shall **not** be permitted to attend (either physically, electronically, or
25 otherwise) the deposition of any other witness in this case without an order of this Court to
26 the contrary.

27 6. Motion for Preliminary Injunction. The deadline for Plaintiffs to file a motion for
28 preliminary injunction is **April 22, 2022.** If Plaintiffs file a motion for preliminary

1 injunction, the deadline for Defendants' response is **May 20, 2022** and the deadline for
2 Plaintiffs' reply is **June 3, 2022**.

3 7. **Expert Disclosures—Motion for Preliminary Injunction.**

4 a. Plaintiffs shall identify any experts in support of the contemplated motion
5 for preliminary injunction no later than **April 4, 2022**. Plaintiffs shall disclose any expert
6 reports in support of the contemplated motion for preliminary injunction no later than **April**
7 **22, 2022**.

8 b. Defendants shall disclose any expert reports that Defendants intend to offer
9 related to the contemplated motion for preliminary injunction no later than **May 20, 2022**.

10 8. **Other Deadlines.** The Court will not, at this time, set deadlines for the disclosure of
11 final expert reports, expert depositions, dispositive motions, *Daubert* motions, and
12 settlement discussions. Instead, by **December 2, 2022**—that is, 14 days after the close of
13 fact discovery—the parties shall file a joint report setting forth their respective positions
14 on these topics.

15 9. **Discovery Disputes.**

16 a. The parties shall not file written discovery motions without leave of the
17 Court. Except during a deposition, if a discovery dispute arises and cannot be resolved
18 despite sincere efforts to resolve the matter through personal consultation (in person or by
19 telephone), the parties shall jointly file (1) a brief written summary of the dispute, not to
20 exceed three pages per side,¹ explaining the position taken by each party, and (2) a joint
21 written certification that counsel or the parties have attempted to resolve the matter through
22 personal consultation and sincere efforts as required by Local Rule of Civil Procedure
23 7.2(j) and have reached an impasse. If the opposing party has refused to personally consult,
24 the party seeking relief shall describe the efforts made to obtain personal consultation.
25 Upon review of the written submission, the Court may set a telephonic conference, order
26 written briefing, or decide the dispute without conference or briefing. Any briefing ordered

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28 ¹ The discovery dispute summary shall adhere to the formatting requirements of
LRCiv 7.1(b)(1). Discovery dispute filings that do not conform to the procedures outlined
in this paragraph, including the page limitation, may be summarily stricken.

1 by the Court shall also comply with Local Rule of Civil Procedure 7.2(j).

2 b. If a discovery dispute arises in the course of a deposition and requires an
3 immediate ruling of the Court, the parties shall jointly telephone the Court to request a
4 telephone conference regarding the dispute.

5 c. Absent extraordinary circumstances, the Court will not entertain fact
6 discovery disputes after the deadline for completion of fact discovery and will not entertain
7 expert discovery disputes after the deadline for completion of expert discovery. Delay in
8 presenting discovery disputes for resolution is not a basis for extending discovery
9 deadlines.

10 10. Motions for Attorneys' Fees. All motions for an award of attorneys' fees shall be
11 accompanied by an electronic Microsoft Excel spreadsheet, to be emailed to the Court and
12 opposing counsel, containing an itemized statement of legal services with all information
13 required by Local Rule 54.2(e)(1). This spreadsheet shall be organized with rows and
14 columns and shall automatically total the amount of fees requested to enable the Court to
15 efficiently review and recompute, if needed, the total amount of any award after
16 disallowing any individual billing entries. This spreadsheet does not relieve the moving
17 party of its burden under Local Rule 54.2(d) to attach all necessary supporting
18 documentation to its motion. A party opposing a motion for attorneys' fees shall email to
19 the Court and opposing counsel a copy of the moving party's spreadsheet, adding any
20 objections to each contested billing entry (next to each row, in an additional column) to
21 enable the Court to efficiently review the objections. This spreadsheet does not relieve the
22 non-moving party of the requirements of Local Rule 54.2(f) concerning its responsive
23 memorandum.

24 11. Tentative Rulings. Before holding oral argument, the Court sometimes issues a
25 "tentative ruling"—a working draft of the order resolving the pending motion(s)—to allow
26 the parties to focus their argument on the issues that seem salient to the Court and to
27 maximize their ability to address any perceived errors in the Court's logic. If a tentative
28 ruling issues, it is not an invitation to submit additional evidence or briefing. If the parties

1 choose not to proceed with oral argument after reviewing the tentative ruling, the parties
2 may stipulate to issuance of an order substantively identical to the tentative ruling.²

3 12. The Deadlines Are Real. The Court intends to enforce the deadlines set forth in this
4 Order, and the parties should plan their litigation activities accordingly.

5 13. Briefing Requirements.

6 a. All memoranda filed with the Court shall comply with Local Rule of Civil
7 Procedure 7.1(b) requiring 13-point font in text and footnotes.

8 b. Citations in support of any assertion in the text shall be included in the text,
9 not in footnotes.

10 c. To ensure timely case processing, a party moving for an extension of time,
11 enlargement of page limitations, leave to amend, or leave to file a document under seal
12 shall indicate in the motion whether the non-movant opposes the request and intends to file
13 a written response. If such a motion does not so indicate, it may be denied for failure to
14 comply with this Order.

15 14. Dismissal for Failure to Meet Deadlines. The parties are warned that failure to meet
16 any of the deadlines in this Order or in the Federal or Local Rules of Civil Procedure
17 without substantial justification may result in sanctions, including dismissal of the action
18 or entry of default.

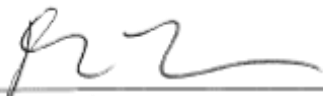
19 15. Requirement for Paper Courtesy Copies. A paper courtesy copy of dispositive
20 motions and any responses or replies thereto shall be either postmarked and mailed to the
21 judge or hand-delivered *to the judge's mailbox* located in the courthouse by the next
22 business day after the electronic filing. Please do not attempt to deliver documents to the
23 Judge's chambers. A copy of the face page of the Notice of Electronic Filing shall be
24 appended to the last page of the courtesy copy. Courtesy copies of documents too large

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28 ² The Court might make stylistic changes before finalizing the order. If the tentative ruling contains any factual error, the parties may note the error in the stipulation to allow for correction.

1 for stapling must be bound with a metal prong fastener at the top center of the document
2 or submitted in three-ring binders.

3 Dated this 15th day of December, 2021.

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8 Dominic W. Lanza
9 United States District Judge
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