

**IN THE SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

_____)		Case Number: _____
Plaintiff))	
)	
V.))	Proposed Scheduling Order
)	<i>(Commercial case)</i>
)	
_____))	
Defendant))	Assigned to: _____

Upon consideration of the parties' Joint Report, the court orders as follows:

1. **Initial disclosure:** The parties have exchanged their initial disclosure statements, or will exchange them no later than _____.

2. **Expert witness disclosure:** The parties shall simultaneously disclose areas of expert testimony by _____. (Alternative: Plaintiff shall disclose areas of expert testimony by _____, and Defendant shall disclose areas of expert testimony by _____.)

The parties shall simultaneously disclose the identity and opinions of experts by _____. (Alternative: Plaintiff shall disclose the identity and opinions of experts by _____, and Defendant shall disclose the identity and opinions of experts by _____.)

The parties shall simultaneously disclose their rebuttal expert opinions by _____.

3. **Lay (non-expert) witness disclosure:** The parties shall disclose all lay witnesses by _____. (Alternative: The parties shall disclose lay witnesses in the following order, and by the following dates: _____.)

4. **Final supplemental disclosure:** Each party shall provide final supplemental disclosure by _____. This order does not replace the parties' obligation to reasonably disclose Rule 26.1 information on an on-going basis and as it becomes available.

No party shall use any lay witness, expert witness, expert opinion, or exhibit at trial not disclosed in a timely manner, except upon order of the court for good cause shown or upon a written or an on-the-record agreement of the parties.

5. **Discovery deadlines:** The parties will propound all discovery undertaken pursuant to Rules 33 through 36 by _____. The parties will complete the depositions of parties and lay witnesses by _____, and will complete the depositions of expert witnesses by _____. The parties will complete all other discovery by _____. (“Complete discovery” includes conclusion of all depositions and submission of full and final responses to written discovery.)

6. **Settlement conference or private mediation:** [choose one]:

Referral to ADR for a settlement conference: The clerk or the court will issue a referral to ADR by a separate minute entry.

Private mediation: The parties shall participate in mediation using a private mediator agreed to by the parties. The parties shall complete the mediation by _____.

All attorneys and their clients, all self-represented parties, and any non-attorney representatives who have full and complete authority to settle this case shall personally appear and participate in good faith in this mediation, even if no settlement is expected. However, if a non-attorney representative requests a telephonic appearance and the mediator grants the request prior to the mediation date, a non-attorney representative may appear telephonically

No settlement conference or mediation: A settlement conference or private mediation is not ordered.

7. **Dispositive motions:** The parties shall file all dispositive motions by _____.

8. **Trial setting conference:** On _____ [the court will provide this date], the court will conduct a telephonic trial setting conference. Attorneys and self-represented parties shall have their calendars available for the conference.

9. Plaintiff Defendant will initiate the conference call by arranging for the presence of all other counsel and self-represented parties, and by calling this division at _____ [division’s telephone number] at the scheduled time.

10. **Firm dates:** No stipulation of the parties that alters a filing deadline or a hearing date contained in the scheduling order will be effective without an order of this court approving the stipulation. Dates set forth in this order that govern court filings or hearings are firm dates, and may be modified only with this court’s consent and for good cause. This court ordinarily will not consider a lack of preparation as good cause.

11. **Further orders:** The court further orders as follows: _____
_____.

Date

Judge of the Superior Court