

# Appendix B

(Blackline showing proposed Amendments with underlining and ~~strikethrough~~)

**Rule 7. Pleadings Allowed; ~~Form of Motions and Other Documents~~**

Only these pleadings are allowed: a complaint; an answer to a complaint; a counterclaim; an answer to a counterclaim designated as a counterclaim; an answer to a crossclaim; a third-party complaint; an answer to a third-party complaint; and, if the court orders one, a reply to an answer.

## **Rule 8.1. Assignment and Management of Commercial Cases**

**(a) Application; Definitions.** This rule applies in counties that have established specialized programs for commercial cases, which are referred to in this rule as “the commercial court.” The commercial court will hear eligible “commercial cases” assigned to it in accordance with this rule. To be eligible for the commercial court, a commercial case must meet the requirements of Rule 8.1(b).

(1) A “commercial case” is one in which:

(A) at least one plaintiff and one defendant are “business organizations;”

(B) the primary issues of law and fact concern a “business organization;” or

(C) the primary issues of law and fact concern a “business contract or transaction.”

(2) A “business organization” includes a sole proprietorship, corporation, partnership, limited liability company, limited partnership, master limited partnership, professional association, joint venture, business trust, or a political subdivision or government entity that is a party to a business contract or transaction. A “business organization” excludes an individual, a family trust, or a political subdivision or government entity that is not a party to a business contract or transaction.

(3) A “business contract or transaction” is one in which a business organization sold, purchased, licensed, transferred, or otherwise provided goods, materials, services, intellectual property, funds, realty, or other obligations.

**(b) Eligible Case Types.** A commercial case is generally eligible for the commercial court if it meets one of the following descriptions:

(1) concerns the internal affairs, governance, dissolution, receivership, or liquidation of a business organization;

(2) arises out of obligations, liabilities, or indemnity claims between or among owners of the same business organization (including shareholders, members, and partners), or which concerns the liability or indemnity of individuals within a business organization (including officers, directors, managers, member managers, general partners, and trustees);

(3) concerns the sale, merger, or dissolution of a business organization, or the sale of substantially all of the assets of a business organization;

(4) relates to trade secrets or misappropriation of intellectual property, or arises from an agreement not to solicit, compete, or disclose;

(5) is a shareholder or member derivative action;

(6) arises from a commercial real estate transaction;

(7) arises from a relationship between a franchisor and a franchisee;

(8) involves the purchase or sale of securities or allegations of securities fraud; ~~or~~

- (9) concerns a claim under state antitrust law;
  - (10) arises from a business contract or transaction governed by the Uniform Commercial Code;
  - (11) is a malpractice claim against a professional, other than a medical professional, that arises from services the professional provided to a business organization;
  - (12) arises out of tortious or statutorily prohibited business activity, such as unfair competition, tortious interference, misrepresentation or fraud; or
  - (13) arises from any dispute between a business organization and an insurer under a commercial insurance policy, including an action by either the business or the insurer related to coverage or bad faith.
- (c) **Ineligible Case Types.** A case that seeks only monetary relief in an amount less than \$300,000 is not eligible for the commercial court. The following case types are generally not commercial cases unless business issues predominate:
- (1) evictions;
  - (2) eminent domain or condemnation;
  - (3) civil rights;
  - (4) motor vehicle torts and other torts involving personal injury to a plaintiff;
  - (5) administrative appeals;
  - (6) domestic relations, protective orders, or criminal matters, except a criminal contempt arising in a commercial court case; or
  - (7) wrongful termination of employment and statutory employment claims; or
  - (8) disputes concerning consumer contracts or transactions. A “consumer contract or transaction” is one that is primarily for personal, family, or household purposes.
- (d) **Assignment of Cases to the Commercial Courts.**
- (1) **Request.** A party to an eligible commercial case may request assignment of the case to the commercial court.
  - (2) **By Plaintiff.** A plaintiff seeking assignment of an eligible case to the commercial court must do so at the time of filing the complaint by (A) including in the initial complaint’s caption the words “commercial court assignment requested,” and (B) completing a civil cover sheet that indicates the action is an eligible commercial case.
  - (3) **By Other Parties.** If a plaintiff has not sought assignment to the commercial court, another party, within 20 days after that party’s appearance, may file a separate notice stating that the case is eligible for, and requesting assignment of the case to, the commercial court.

- (4) **Assignment.** Upon the filing of a complaint by a plaintiff requesting assignment to the commercial court under subpart (d)(2), or the filing by another party of a Notice Requesting Assignment to the Commercial Court under subpart (d)(3), the case will be assigned to the commercial court.
- (5) **Transfer out of Commercial Court by the Presiding Judge.** After assignment of a case to the commercial court, if the commercial court judge determines the matter is not an eligible commercial case, then the judge may either keep the case or request that the presiding judge or designee transfer the case out of the commercial court. If the presiding judge or designee agrees to transfer the case out of the commercial court, the presiding judge or designee may either leave the case with the judge to whom it is currently assigned or reassign the case to a general civil court.
- (6) **Discretion of Presiding Judge.** The presiding judge or designee may reassign any case that qualifies under Rule 8.1(b)(6), (7), (10), or (11) to a general civil court.
- (7) **Judicial Request to Transfer to the Commercial Court.** Within 20 days after the filing of the first responsive pleading or Rule 12 motion, a judge of a general civil court may request the presiding judge or designee to transfer a case to the commercial court if that judge determines the matter is an eligible commercial case.
- (8) **Complex Cases.** Assignment of a case to the commercial court does not impair the right of a party to request reassignment of the case to the Maricopa County complex civil litigation program under applicable local rules.
- (e) **Case Management.** Notwithstanding any contrary language in Rule 26.2(d)(1), from the filing of the complaint unless and until the commercial court assigns the case to a different tier after the Rule 16(d) scheduling conference, cases in the commercial court are deemed to be assigned to Tier 3. Rules 16(a) through 16(j) apply to cases in the commercial court, except:
- (1) **Scheduling Conference.** Scheduling conferences under Rule 16(d) are mandatory.
- (2) **Early Meeting.** Before filing a Rule 16(c) Joint Report, and in addition to conferring about the subjects in Rule 16(b)(1), the parties must confer, as set forth in the commercial court's checklist governing the production of electronically stored information, and attempt to reach agreements that may be appropriate in the case concerning the disclosure and production of such information, including:
- (A) requirements and limits on disclosure and production of electronically stored information;
- (B) the form or formats in which the electronically stored information will be disclosed or produced; and
- (C) if appropriate, sharing or shifting of costs incurred by the parties for disclosing and producing electronically stored information.

**(3) *Joint Report and Proposed Scheduling Order.*** The parties' Rule 16(b) Joint Report and Proposed Scheduling Order must address the items specified in Forms 14(a) and 14(b), including:

**(A)** whether the parties expect electronically stored information to be an issue in the case and, if so, whether they have reached an agreement regarding the discovery of electronically stored information, have filed a stipulated order, and have or anticipate disputes concerning electronically stored information;

**(B)** whether the parties have reached an agreement regarding the inadvertent production of privileged material pursuant to Arizona Rule of Evidence 502, and, if so, whether they have filed a stipulated order;

**(C)** whether any issues have arisen or are expected to arise regarding claims of privilege or protection of trial preparation materials under Rules 26(b)(6) and 26.1(h);

**(D)** whether the parties believe that a protective order is necessary and, if so, whether they have filed a stipulated protective order; and

**(E)** whether the commercial court should assign the case to a tier other than Tier 3 after the Rule 16(d) scheduling conference, and, if so, why.

**(4) *Motions to Dismiss.*** Any motion to dismiss pursuant to Rule 12(b)(6) must attach a good faith consultation certificate complying with Rule 7.1(h) certifying that the parties have been unable to agree that the pleading is curable by a permissible amendment.

**(f) *Motions.*** With notice to the parties, a commercial court judge may modify the formal requirements of Rule 7.1(a) and may adopt a different practice for the efficient and prompt resolution of motions.

**(g) *Cases Not in the Commercial Court.*** The case management procedures in Rule 8.1(e) are available to any judge who finds those procedures beneficial, wholly or partially, in managing a commercial case that is not assigned to the commercial court, or that is pending in a county that has not established a commercial court.

## Rule 16. Scheduling and Management of Actions

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### (b) Required Early Meeting About Expected Course of Case, Tiering.

(1) *Timing; Purpose.* At the earliest practicable time, but no later than 30 days after a party answers or files a motion directed at the complaint, or 120 days after the action commences—whichever occurs first—that party and the plaintiff must meet and confer about the anticipated course of their case, including the tier to which it should be assigned under Rule 26.2 and the subjects set forth in Rule 16(b)(2) and (c). The parties must discuss whether and how they can agree to streamline and limit claims and affirmative defenses to be asserted, discovery to be taken, and motions to be brought. The purpose of the conference is to plan cooperatively for the case, and to facilitate the case's placement in one of three tiers for discovery. The attorneys of record and all unrepresented parties who have appeared in the action are jointly responsible for arranging and participating in the Early Meeting.

(2) *Topics for Early Meeting.* The parties should discuss at least:

- (A) their anticipated disclosures concerning witnesses, including the number of fact witnesses, whether they will seek to use expert witnesses, and how much deposition testimony they expect will be necessary;
- (B) their anticipated disclosures of documents, including any issues already known to them concerning electronically stored information;
- (C) motions they expect to file, so that the parties can determine whether any of the motions can be avoided by stipulations, amendments, or other cooperative activity;
- (D) any agreements that could aid in the just, speedy, and inexpensive resolution of the case;
- (E) the discovery tier to which the case should be assigned under Rule 26.2, and whether the parties wish to stipulate—or any party wishes to move for—assignment to a tier other than that to which the case would be assigned given the amount in controversy; and
- (F) the subjects set forth in Rule 16(c).

### (c) Filing of Joint Report and Proposed Scheduling Orders.

(1) *Timing.* No later than 14 days after the Early Meeting, the parties must file a Joint Report and a Proposed Scheduling Order. The attorneys of record and

all unrepresented parties who have appeared in the action are jointly responsible for attempting in good faith to agree on a Proposed Scheduling Order, and for filing the Joint Report and the Proposed Scheduling Order with the court. The court must issue a Scheduling Order as soon as practicable either after receiving the parties' Joint Report and Proposed Scheduling Order or after holding a Scheduling Conference.

**(2) *Content of Joint Report.*** The Joint Report must state—to the extent practicable—the parties' positions on the subjects set forth in Rule 16(b)(2) and (c)(3) and must attach a proposed Scheduling Order. The parties are not required to describe their Early Meeting in the Joint Report, but may do so. Any summary must describe the case with respect to the characteristics in Rule 26.2(b) and (c) to be used in assigning cases to a discovery tier, and must set forth any agreements the parties have reached to streamline the case. In the Joint Report, the parties are not permitted to discuss or criticize the rejection of proposed agreements or to argue that the other party has taken unreasonable positions. Unless ordered by the court, a summary must not exceed 4 pages of text, which length must be split evenly between separate statements of the parties if they do not agree on the summary's contents. The Joint Report must certify that the parties conferred in good faith, either in person or by telephone as required by Rule 7.1(h), attach a good faith consultation certificate under Rule 7.1(h) and certify that the parties conferred regarding the subjects set forth in Rule 16(b)(2) and (c)(3).

**(7) *Forms.*** The parties must file the Joint Report and the Proposed Scheduling Order using the forms approved by the Supreme Court and set forth in Rule 84, Forms 11 through 13. They must use Forms 11(a) and (b) for Tier 1 cases, Forms 12(a) and (b) for Tier 2 cases, and Forms 13(a) and (b) for Tier 3 cases.

**(h) Sanctions.**

**(1) *Generally.*** Except on a showing of good cause, the court—on motion or on its own—must enter such orders as are just, including, among others, any of the orders in Rule 37(b)(2)(A)(ii) through (vii), if a party or attorney:

**(A)** fails to obey a scheduling or pretrial order or fails to meet the deadlines set in the order;

**(B)** fails to appear at a Scheduling Conference, ~~Comprehensive Pretrial Conference~~, Trial-Setting Conference, or Trial Management Conference;

**(C)** is substantially unprepared to participate in a Scheduling Conference, ~~Comprehensive Pretrial Conference~~, Trial-Setting Conference, or Trial Management Conference;

- (D) fails to participate in good faith in a Scheduling Conference, ~~Comprehensive Pretrial Conference~~, Trial-Setting Conference, or Trial Management Conference; or
- (E) fails to participate in good faith in the preparation of a Joint Report and Proposed Scheduling Order or a Joint Pretrial Statement.

## **Rule 37. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions**

### **(g) Failure to Preserve Electronically Stored Information.**

#### **(1) *Duty to Preserve.***

**(A) *Generally.*** A party or person has a duty to take reasonable steps to preserve electronically stored information relevant to an action once it commences the action, once it learns that it is a party to the action, or once it reasonably anticipates the action's commencement, whichever occurs first. A court order or statute also may impose a duty to preserve certain information.

**(B) *Reasonable Anticipation.*** A party or person reasonably anticipates an action's commencement if:

- (i)** it knows or reasonably should know that it is likely to be a defendant in a specific action; or
- (ii)** it seriously contemplates commencing an action or takes specific steps to do so.

#### **(C) *Reasonable Steps to Preserve.***

**(i)** If Rule 37(g)(1)(A) applies, a~~A~~ party or person must take reasonable steps to prevent the routine operation of an electronic information system or application of a document retention policy from destroying information that should be preserved.

**(ii)** Factors that a court should consider in determining whether a party or person took reasonable steps to preserve relevant electronically stored information include the nature of the issues raised in the action or anticipated action, the information's probative value, the accessibility of the information, the difficulty in preserving the information, whether the information was lost as a result of the good-faith routine operation of an electronic information system or the good-faith and consistent application of a document retention policy, the timeliness of the party's actions taken, and the relative burdens and costs of a preservation effort in light of the importance of the issues at stake, the resources and technical sophistication of the party or person subject to a duty to preserve, the parties' resources and technical sophistication, and the amount in controversy.

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## **Rule 55. Default; Default Judgment**

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- (c) **Setting Aside a Default or a Final Default Judgment.** The court may set aside an entry of default for good cause, and it may set aside a final default judgment under Rule 60(eb).

**Rule 84 (Official Forms)**

**Form 11(a). Joint Report: Tier 1 Case**

In the Superior Court of Arizona

\_\_\_\_\_ County

Plaintiffs	)	Case number .....
	)	
v	)	<b>Joint Report</b>
	)	
Defendants	)	<i>(Tier 1 case)</i>
	)	Assigned to:

The parties signing below certify that they have conferred in good faith, either in person or by telephone as required by Rule 7.1(h), about the matters contained in Rule 16(b)(2) and (c)(3), and they further certify that:

- (a) Every defendant has been served or dismissed, and every defendant who has not been defaulted has filed a responsive pleading;
- (b) There are no third party claims; and
- (c) This case is not subject to the mandatory arbitration provisions of Rule 72.

**Optional Summary of Rule 16(b) Early Meeting** (not to exceed 4 pages of text), split evenly between separate statements of the parties if they do not agree on the summary's contents:

\_\_\_\_\_  
\_\_\_\_\_

With regard to matters upon which the parties could not agree, they have set forth their positions separately in item 12 below. The parties are submitting a Proposed Scheduling Order with this Joint Report. Each date in the Joint Report and in the Proposed Scheduling Order includes a calendar month, day, and year.

***1. Brief description of the case:***

- 
- 
- If a claimant is seeking other than monetary damages, specify the relief sought:
- 

**2. Settlement:** The parties agree to engage in settlement discussions with a settlement judge assigned by the court, or a private mediator.

- The parties will be ready for a settlement conference or a private mediation by \_\_\_\_\_.

- If the parties will not engage in a settlement conference or a private mediation, state the reason(s): \_\_\_\_\_.

**3. Readiness:** This case will be ready for trial by \_\_\_\_\_.

**4. Jury:**

- There is a right to a trial by jury. yes no
- If there is such a right, it has been waived by the parties. yes no

**5. Length of trial:** The estimated length of trial is \_\_\_\_ days.

**6. Summary jury:** The parties agree to a summary jury trial. yes no

**7. Short cause:** ~~A non-jury trial will not exceed one hour. yes no~~ This case is a short cause entitled to a preference for trial pursuant to [identify statute or rule]. The anticipated length of trial is \_\_\_\_\_ hours.

**8. Other Trial Preference:** This case is entitled to preference for trial under this statute or rule:

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**9. Special requirements:** At a pretrial conference or at trial, a party will require disability accommodations (specify) \_\_\_\_\_

an interpreter (specify language) \_\_\_\_\_

**10. Scheduling conference:** The parties request a Rule 16(d) scheduling conference. yes no. If requested, the reasons for having a conference are:

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**11. Other matters:** Other matters that the parties wish to bring to the court's attention that may affect management of this case: \_\_\_\_\_

**12. Items upon which the parties do not agree:** The parties certify that they were unable in good faith to agree upon the following items, and the position of each party as to each item is as follows:

\_\_\_\_\_

~~The parties must attach a good faith consultation certificate under Rule 7.1(h) to this Joint Report.~~

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

For Plaintiff

For Defendant

Added Sept. 2, 2016, effective Jan. 1, 2017. Amended Aug. 31, 2017, effective July 1, 2018; Aug. 28, 2018, effective Jan. 1, 2019.

Form 12(a). Joint Report: Tier 2 Case

In the Superior Court of Arizona

\_\_\_\_\_ County

Plaintiffs	)	Case number .....
	)	
v	)	<b>Joint Report</b>
	)	
Defendants	)	(Tier 2 case)
	)	Assigned to:

The parties signing below certify that they have conferred in good faith, either in person or by telephone as required by Rule 7.1(h), about the matters set forth in Rule 16(b)(2) and (c)(3), and that this case is not subject to the mandatory arbitration provisions of Rule 72. With regard to matters upon which the parties could not agree, they have set forth their positions separately in item 13 below. The parties are submitting a Proposed Scheduling Order with this Joint Report. Each date in the Joint Report and in the Proposed Scheduling Order includes a calendar month, day, and year.

**Optional Summary of Rule 16(b) Early Meeting** (not to exceed 4 pages of text), split evenly between separate statements of the parties if they do not agree on the summary's contents:

\_\_\_\_\_  
\_\_\_\_\_

**1. Brief description of the case:**

\_\_\_\_\_

- If a claimant is seeking other than monetary damages, specify the relief sought

\_\_\_\_\_

**2. Current case status:** Every defendant has been served or dismissed. yes no

- Every party who has not been defaulted has filed a responsive pleading. yes no

- Explanation of a “no” response to either of the above statements:
- 

**3. Amendments:** A party anticipates filing an amendment to a pleading that will add a new party to the case: yes no

**4. Settlement:** The parties agree to engage in settlement discussions with a settlement judge assigned by the court, or a private mediator.

The parties will be ready for a settlement conference or a private mediation by \_\_\_\_\_.

If the parties will not engage in a settlement conference or a private mediation, state the reason(s):

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**5. Readiness:** This case will be ready for trial by \_\_\_\_\_.

**6. Jury:**

- There is a right to a trial by jury. yes no
- If there is such a right, it has been waived by the parties. yes no

**7. Length of trial:** The estimated length of trial is \_\_\_ days.

**8. Summary jury:** The parties agree to a summary jury trial. yes no

**9. Preference:** This case is entitled to a preference for trial pursuant to the following statute or rule: \_\_\_\_\_

**10. Special requirements:** At a pretrial conference or at trial, a party will require disability accommodations (specify) \_\_\_\_\_

an interpreter (specify language) \_\_\_\_\_

**11. Scheduling conference:** The parties request a Rule 16(d) scheduling conference. yes no. If requested, the reasons for having a conference are

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**12. Other matters:** Other matters that the parties wish to bring to the court’s attention that may affect management of this case:

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**13. Items upon which the parties do not agree:** The parties certify that they were unable in good faith to agree upon the following items, and the position of each party as to each item is

as follows:

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~~The parties must attach a good faith consultation certificate under Rule 7.1(h) to this Joint Report.~~

Dated this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_.

For Plaintiff

For Defendant

Added Sept. 2, 2016, effective Jan. 1, 2017. Amended Aug. 31, 2017, effective July 1, 2018; Aug. 28, 2018, effective Jan. 1, 2019.

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Form 13(a). Joint Report: Tier 3 Case

In the Superior Court of Arizona

\_\_\_\_\_ County

Plaintiffs	)	Case number .....
	)	
V	)	<b>Joint Report</b>
	)	
Defendants	)	(Tier 3 case)
	)	Assigned to:

The parties signing below certify that they have conferred in good faith, either in person or by telephone as required by Rule 7.1(h), about the matters set forth in Rule 16(b)(2) and (c)(3). With regard to matters upon which the parties could not agree, they have set forth their positions separately in item 13 below. The parties are submitting a Proposed Scheduling Order with this Joint Report. Each date in the Joint Report and in the Proposed Scheduling Order includes a calendar month, day, and year.

**Optional Summary of Rule 16(b) Early Meeting** (not to exceed 4 pages of text), split evenly between separate statements of the parties if they do not agree on the summary’s contents:

**1. Brief description of the case:** \_\_\_\_\_

- If a claimant is seeking other than monetary damages, specify the relief sought
- 

**2. Current case status:** Every defendant has been served or dismissed. yes no

- Every party who has not been defaulted has filed a responsive pleading. yes no
  - Explanation of a “no” response to either of the above statements:
- 

**3. Amendments:** A party anticipates filing an amendment to a pleading that will add a new party to the case: yes no

**4. Settlement:** The parties agree to engage in settlement discussions with a settlement judge assigned by the court, or a private mediator.

The parties will be ready for a settlement conference or a private mediation by \_\_\_\_\_.

If the parties will not engage in a settlement conference or a private mediation, state the reason(s): \_\_\_\_\_

**5. Readiness:** This case will be ready for trial by \_\_\_\_\_.

**6. Jury:**

- There is a right to a trial by jury. yes no
- If there is such a right, it has been waived by the parties. yes no

**7. Length of trial:** The estimated length of trial is \_\_\_ days.

**8. Summary jury:** The parties agree to a summary jury trial. yes no

**9. Preference:** This case is entitled to a preference for trial pursuant to the following statute or rule: \_\_\_\_\_

**10. Special requirements:** At a pretrial conference or at trial, a party will require disability accommodations (specify) \_\_\_\_\_

an interpreter (specify language) \_\_\_\_\_

**11. Scheduling conference:** The parties request a Rule 16(d) scheduling conference. yes no. If requested, the reasons for having a conference are

**12. Other matters:** Other matters that the parties wish to bring to the court's attention that may affect management of this case:

**13. Items upon which the parties do not agree:** The parties certify that they were unable in good faith to agree upon the following items, and the position of each party as to each item is as follows:

~~The parties must attach a good faith consultation certificate under Rule 7.1(h) to this Joint Report.~~

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

For Plaintiff

For Defendant

Added Aug. 31, 2017, effective July 1, 2018. Amended Aug. 28, 2018, effective Jan. 1, 2019.

Form 14(a). Joint Report: Commercial Case

In the Superior Court of Arizona

\_\_\_\_\_ County

Plaintiffs	)	Case number .....
	)	
v	)	<b>Joint Report</b>
	)	
Defendants	)	(Commercial case)
	)	Assigned to:

The parties signing below certify that they have conferred in good faith, either in person or by telephone as required by Rule 7.1(h), about the matters set forth in Rules 8.1(e) and 16(b)(2) and (c)(3), and that this case is not subject to the mandatory arbitration provisions of Rule 72. With regard to matters upon which the parties could not agree, they have set forth their positions separately in item 14 below. The parties are submitting a Proposed Scheduling Order with this Joint Report. Each date in the Joint Report and in the Proposed Scheduling Order includes a calendar month, day, and year.

**1. Brief description of the case:** \_\_\_\_\_

- If a claimant is seeking other than monetary damages, specify the relief sought

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- This is a commercial case under Rule 8.1 because (refer to the specific provisions of Rule 8.1 that apply):

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**2. Current case status:** Every defendant has been served or dismissed. yes no

- Every party who has not been defaulted has filed a responsive pleading. yes no
- Explanation of a “no” response to either of the above statements:

**3. Amendments:** A party anticipates filing an amendment to a pleading that will add a new party to the case: yes no

**4. Special case management:** Special case management procedures are appropriate: yes no If “yes,” the following case management procedures are appropriate because:

\_\_\_\_\_.

**5. Commercial case management [Rule 8.1(fe)]:**

**a. Approximate Amount in Controversy \$ \_\_\_\_\_**

**b. The commercial court should assign this case to a tier other than Tier 3 for the following reasons:**

\_\_\_\_\_

**c. Anticipated Areas of Expert Testimony (not binding):**

\_\_\_\_\_

\_\_\_\_\_

**d. Electronically Stored Information**

The parties do not expect electronically stored information to be at issue in this case.

The parties do expect electronically stored information to be at issue in this case.

Have the parties reached an agreement regarding the discovery of electronically stored information? yes no

If yes, have the parties filed a stipulated order?  yes  no

Do the parties currently have disputes or anticipate particular disputes over electronically stored information?  yes  no

If yes, please describe the dispute(s):

\_\_\_\_\_

**e. Privilege Issues and Protective Order**

Have the parties reached an agreement regarding the inadvertent production of privileged material pursuant to Rule 502 of the Rules of Evidence?  yes  no

If so, have the parties filed a stipulated order?  yes  no

Have any issues arisen or do you expect any issues to arise regarding claims of privilege or protection of trial preparation materials pursuant to Rule 26(b)(6) or Rule 26.1(h)?  yes  no

If so, have the parties filed a stipulated protective order?  yes  no

**6. Settlement:** The parties agree to engage in settlement discussions with a settlement judge assigned by the court, or a private mediator.

The parties will be ready for a settlement conference or a private mediation by \_\_\_\_\_.

If the parties will not engage in a settlement conference or a private mediation, state the reason(s): \_\_\_\_\_

**7. Readiness:** This case will be ready for trial by \_\_\_\_\_.

**8. Jury:**

- There is a right to a trial by jury. yes no
- If there is such a right, it has been waived by the parties. yes no

**9. Length of trial:** The estimated length of trial is \_\_\_\_ days.

**10. Summary jury:** The parties agree to a summary jury trial. yes no

**11. Preference:** This case is entitled to a preference for trial under the following statute or rule: \_\_\_\_\_

**12. Special requirements:** At a pretrial conference or at trial, a party will require disability accommodations (specify) \_\_\_\_\_

an interpreter (specify language) \_\_\_\_\_

**13. Other matters:** Other matters that the parties wish to bring to the court's attention that may affect management of this case:

\_\_\_\_\_

**14. Items upon which the parties do not agree:** The parties certify that they were unable

in good faith to agree upon the following items, and the position of each party as to each item is as follows:

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Dated this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_.

For Plaintiff

For Defendant

Added Sept. 2, 2016, effective Jan. 1, 2017. Amended effective Feb. 8, 2017; Aug. 31, 2017, effective July 1, 2018; Aug. 28, 2018, effective Jan. 1, 2019.

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