Know When to Fold ‘Em—Managing Litigation Risk:
Best Practices for Identifying, Evaluating and Responding to Risks of Legal Disputes

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Hon. Steven Paul Logan
US District Court for the District of Arizona
Sandra Day O’Connor US Courthouse, Suite 521
401 West Washington Street, SPC 82
Phoenix, AZ 85003
Amy L. Lieberman, Executive Director of Insight Employment Mediation LLC, has been a mediator and arbitrator for over 15 years, recognized for 10 years in “Best Lawyers in America” and “Southwest SuperLawyers.” Amy has resolved over 1500 lawsuits and pre-litigation claims. Distinctions include National Academy of Distinguished Neutrals, American College of Civil Trial Mediators, and Advanced Practitioner status in Workplace Mediation and Arbitration by the Association for Conflict Resolution. Amy is the author of the book, Mediation Success: Get it Out, Get it Over, and Get Back to Business.<!--

Zabrina M. Jenkins is an attorney for Starbucks Coffee Company. In her position as managing director of litigation, Zabrina heads a team responsible for intellectual property, real estate, commercial, and general liability litigation for retail locations in North America. She currently serves as an advisor to the company’s Policy Governance Council, and has served on the Diversity Committee for the Law & Corporate Affairs department and as the co-coordinator of the department’s summer intern program. Zabrina is an active volunteer in both legal and civic organizations. She currently serves on the advisory boards of the Washington Leadership Institute (WLI), Artist Trust, Girls Can Do, and Central Washington University College of Business, and is a member of the Loren Miller Bar Association. She has also been recognized as a Rising Star by Washington Law & Politics and is a 2011 Washington State Bar Association (WSBA) Leadership Institute Fellow and Graduate.

The Honorable Steven P. Logan is a United States District Judge for the District of Arizona. He presides over a trial court responsible for civil and criminal cases in the federal system. Judge Logan has also served as a United States Magistrate Judge. One of his many important roles as a United States Magistrate Judge was conducting settlement conferences. Judge Logan has also served as a United States Immigration Judge, Assistant United States Attorney and he is retired from the United States Marine Corps.
Know When to Fold ‘Em—Managing Litigation Risk: Best Practices for Identifying, Evaluating and Responding to Risks of Legal Disputes

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I. Seventeen Essential Factors to Consider in Evaluating and Responding to Risks of Legal Disputes

Regardless of the type of litigation: premises or products liability, tort or contract, employment or commercial, each case needs to be evaluated, initially and periodically, to minimize risk to the client. Consider these 17 key factors when making your assessment.

1. Opposing Counsel
It makes a difference whether you are dealing with a young lawyer or one with limited experience in the type of case you are handling, or one that is highly experienced and sophisticated. Does the lawyer have a great reputation that might command a higher valuation of risk of loss, or a higher settlement value? Is the lawyer perhaps known to be a bully who likes to bury the other side with discovery difficulties? Or is counsel a sole practitioner who is over-burdened and non-responsive?

2. Pro se Plaintiff
The non-represented plaintiff presents unique challenges. They may have no knowledge of relevant law, particularly as it applies to potential damages, or they may have researched information on the internet and fancy themselves an expert. They may have very unrealistic expectations about likelihood of success, or what they are “entitled” to. And they can also devote their lives to their case, and drive up the costs exponentially. When is mediation appropriate with a pro per, and with whom?

3. Need for Outside Counsel
When is outside counsel needed from the get-go? It may be possible for in-house counsel to resolve a claim early through direct negotiation or an early mediation, which can save significant expense for the parties. This is particularly true if the client has an internal mediation policy.

4. Impact of Negative Publicity
Some cases carry a high risk that an executive could lose their job if the allegations became public. Stock values can be impacted. A client may end up potentially facing bankruptcy if their budget cannot handle a disastrous result. This can highly affect a client’s risk tolerance.

5. Jurisdiction
It matters whether a case is filed in New York, in California, or in a smaller state with less restrictive litigation rules. Where the claim is filed, and whether it is filed in state or federal court, will impact the likelihood of success, and the potential jury verdicts, and the general settlement ranges for various types of cases.

6. Potential to Generate Other Cases
Even if the case is filed as an individual action, does the potential exist for a class or collective action? Will there be copycat actions in other jurisdictions? Is it in the client’s best interest to have a precedent set to deter other actions, or to avoid that precedent? Can the company survive a multi-party litigation that goes on for years?
7. Arbitration
Is there a contractual pre-existing agreement to arbitrate? If so, should the client enforce it? Arbitration is supposed to be a more efficient, less costly forum for resolving disputes, but that may not be true in all cases. Is it worth it to try and enforce a class action waiver, if your client might be arbitrating 140 individual claims?

8. Attorney’s Fees
How much is it going to cost the insurer or the client to defend, and has that amount been budgeted for and/or reserved? Is there any way for the client to control those costs with an alternative fee arrangement? The costs of defense matter greatly to some clients, and not to others. Of equal concern is whether there is a contractual or statutory fee provision that can allow a plaintiff to recover attorney fees as a prevailing party, which can significantly drive up the exposure.

9. Offers of Judgment
Consider the effectiveness of filing an offer of judgment. Is your client willing to have judgment taken on record? Will it cause a plaintiff to take the offer seriously? And what kind of impact will it have on the judge’s consideration of the amount of attorney’s fees to award?

10. Insurance
Is the client self-insured, or is an adjuster located on another coast making the calls on how to defend the case? If there is insurance, what is the deductible, and are there coverage defenses that have been raised? It helps if defense counsel has a solid relationship with the insurance adjuster, but when that relationship is untested, it can complicate potential resolution.

11. Multi-Party Litigation
If the litigation is a class action, defense costs, ultimate potential loss and plaintiff’s attorney’s fees can be astronomical. The case can drag on for years. If there are multiple defendants, on the other hand, is there a potential for joint defense, and contribution to settlement that can aid resolution?

12. Likelihood of Summary Judgment
Evaluating whether and when to file a dispositive motion is critical to risk analysis. If the case is too fact-intensive, or the focus is on “reasonableness” or “good faith,” summary judgment may be realistically out of the question. It can reduce exposure if there are solid legal issues that can be disposed of by motion.

13. Likely Outcome at Trial
If the case can’t be resolved, what is the likelihood of prevailing at trial? Caps on damages, and the range of jury verdicts in the area, will be important factors. If it is a high-dollar case, it may be worth using a mock jury to vet the risk. Also important to consider is the existence of appealable issues, and the likelihood of success on appeal.

14. Need for Experts
Expert involvement can take a case to whole different level. A “battle of the experts” is costly. They require retainers and can charge high costs to research, report and testify. If the other side has an expert, must you hire one to rebut, or can you get away with undermining the expert’s qualifications or opinions without doing so?

15. Extent of Discovery
Does the case call for extensive document review, requiring many months of e-discovery? Are there 30+ depositions needed? Is counsel’s perception that it will take at least a full year or more of discovery before a dispositive motion can be filed? Do counsel get along, or do they continually argue over discovery disputes?

16. Mediation

It’s the rare case where mediation is not a good idea; most good mediators enjoy at least a 90% success rate and, at a minimum, the chance of settlement at mediation is more likely than not. But when is the best time to mediate, to set it up for success? Early, before too much time and emotion is expended, so that the client can avoid the “tail wagging the dog” situation? Or after all discovery is done, after motions are filed, or after they are actually ruled on? And who would be the best choice to mediate for you? Should your client offer to bear the full expense, or should you insist the plaintiff half or at least a portion of the cost?

17. Impact of Litigation on the Client

Does your client have the workforce to put behind the litigation? Is a “good time” to have your clients focused on work outside of the business or will the litigation be viewed as an unnecessary distraction from their primary focus?
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  

,  

Plaintiff(s),  

vs.  

,  

Defendant(s).  

No. CV-  

SETTLEMENT CONFERENCE ORDER  

This case has been referred to United States Magistrate Judge Steven P. Logan for a settlement conference (Doc. ). The purpose of the settlement conference is to facilitate resolution of the referenced case.  

Rule 408, Federal Rules of Evidence, applies to all aspects of the settlement conference. All communications and information exchanges made in the settlement process, not otherwise discoverable, will not be admissible in evidence for any purpose. At the conclusion of the settlement conference, all documents submitted by the parties shall be returned, destroyed, or otherwise disposed of in the manner directed by the settlement judge.  


IT IS ORDERED that all parties and, if represented, their counsel, shall physically appear before United States Magistrate Judge Steven P. Logan, in Courtroom 304, Sandra Day O’Connor U.S. Courthouse, 401 West Washington Street, Phoenix, Arizona, on The settlement conference shall continue until concluded by the court.
IT IS FURTHER ORDERED that each separately represented party and each unrepresented party, if any, shall submit a completed settlement statement form (a copy is attached for your use) in an envelope marked “Confidential” addressed to Honorable Steven P. Logan, Settlement Conference Judge, United States District Court, 401 West Washington Street, SPC 82, Phoenix, Arizona, 85003-2120. The statement may be hand delivered or mailed; however, it must be received by United States Magistrate Judge Steven P. Logan on or before .

IT IS FURTHER ORDERED THAT COUNSEL WHO WILL BE RESPONSIBLE FOR TRIAL OF THE LAWSUIT FOR EACH PARTY SHALL PERSONALLY APPEAR AND PARTICIPATE IN THE SETTLEMENT CONFERENCE.

IT IS FURTHER ORDERED that each party shall attend the settlement conference in person unless the court finds good cause to permit a party to appear by telephone. A corporation, association, partnership, business entity, organization, governmental agency, or political body shall appear through a representative having full binding settlement authority in addition to counsel.

IT IS FURTHER ORDERED THAT FAILURE TO COMPLY WITH ANY PORTION OF THIS ORDER MAY RESULT IN SANCTIONS.
CONFIDENTIAL SETTLEMENT STATEMENT

IN RE: CV-

________________________________________________________________________

THIS DOCUMENT IS CONFIDENTIAL AND SHOULD BE SENT DIRECTLY TO THE SETTLEMENT CONFERENCE JUDGE, HON. STEVEN P. LOGAN, UNITED STATES DISTRICT COURT, 401 WEST WASHINGTON STREET, SPC 82, PHOENIX, AZ 85003-2120. THIS DOCUMENT SHALL NOT BE SERVED ON THE OPPOSING PARTY NOR FILED WITH THE CLERK OF THE COURT. THIS DOCUMENT WILL BE DESTROYED AT THE CONCLUSION OF THE SETTLEMENT CONFERENCE PROCEEDINGS. NO REFERENCE TO THIS DOCUMENT OR ITS CONTENTS SHALL BE MADE IN ANY MOTIONS, BRIEFS OR OTHER DOCUMENTS FILED IN THIS CASE. THIS DOCUMENT SHALL BE INADMISSABLE IN EVIDENCE IN ANY JUDICIAL PROCEEDING.

PARTY SUBMITTING STATEMENT: ____________________________________________

NAME OF ATTORNEY SUBMITTING STATEMENT: ____________________________
(OR PARTY IF UNREPRESENTED BY COUNSEL)

ADDRESS: __________________________________________________________________

________________________________________________________________________

PHONE: ___________________________________________________________________
FAX: _____________________________________________________________________
SHORT DESCRIPTION OF FACTS:

ISSUES TO BE RESOLVED:
DESCRIBE ANY PRIOR SETTLEMENT DISCUSSIONS, OFFERS OR DEMANDS:

DESCRIBE THE STRENGTHS AND WEAKNESSES OF YOUR CASE:
IN ADDITION TO ECONOMIC INTERESTS, WHAT OTHER OUTCOME DO YOU HOPE TO ACHIEVE AS A RESULT OF THIS LITIGATION?

ANY OTHER INFORMATION THAT YOU FEEL WOULD HELP THE SETTLEMENT CONFERENCE JUDGE:

The parties are free to use any format to provide answers to the questions posed. The only limit to the length of any answer provided is the application of common sense.

DATED this _____ day of ____________, 2014.

________________________________________
Signature of Counsel or Party
LITIGATION EARLY ASSESSMENT and DEFENSE PLAN  
(Please highlight updates)

I. GENERAL INFORMATION

PLAINTIFF(S):

Date of Loss:
DOB (age):
SSN:
MARITAL STATUS:
NO. OF DEPENDENTS:
PROFESSION:

PLAINTIFF’S COUNSEL (include firm name and address):

DEFENSE COUNSEL (include firm name & address):

TPA/CLAIM REPRESENTATIVE:

If Applicable

CO-DEFENDANT(S):

CO-DEFENDANT(S) COUNSEL (include firm name & address):

II. LITIGATION INFORMATION

CASE NUMBER:

TRIAL DATE:

VENUE:

ASSIGNED JUDGE(S):

ASSESSMENT OF JUDGE(S):

ASSESSMENT OF JURY POOL:

TRIAL BY:

[ ] JURY  [ ] BENCH  [ ] BIFURCATED

TRIAL COUNSEL:

ADR/ARBITRATION DATE:

MEDIATION DATE?

AD DAMNUM:

ASSESSMENT OF PLAINTIFF’S COUNSEL:
III. FACTUAL INFORMATION

KEY FACTS:

KEY WITNESSES:

HAVE ALL KEY EMPLOYEES BEEN INTERVIEWED? [ ] YES [ ] NO

ARE ALL WITNESSES AVAILABLE FOR DEPOSITION? [ ] YES [ ] NO [ ] UNKNOWN
Comments:

ARE ALL WITNESSES AVAILABLE FOR TRIAL? [ ] YES [ ] NO [ ] UNKNOWN
Comments:

WILL UNAVAILABILITY OF ANY WITNESSES HINDER DEFENSE? [ ] YES [ ] NO [ ] UNK
Comments:

WILL PLAINTIFF(S) MAKE A FAVORABLE IMPRESSION? [ ] YES [ ] NO [ ] UNKNOWN
Comments:

WILL DEFENSE WITNESS(S) MAKE A FAVORABLE IMPRESSION? [ ] YES [ ] NO [ ] UNK
Comments:

HAS ALL KEY EVIDENCE BEEN PRESERVED? [ ] YES [ ] NO
  If Yes, what was preserved?
  If No, concerns (spoliation)?

IV. DAMAGES ASSESSMENT

ALLEGED INJURIES:

PRE/POST-INCIDENT INJURIES:

FUTURE MEDICAL TREATMENT:
MEDICARE ELIGIBLE? [  ] YES [  ] NO
LIENS: TYPE: 
AMOUNT: $ 
LOST INCOME CLAIM: $

**COMPUTATION OF SPECIAL DAMAGES:**

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<td>PAST MEDICAL SPECIALS</td>
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<tr>
<td>FUTURE MEDICAL SPECIALS</td>
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<tr>
<td>PAST LOST WAGES</td>
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<tr>
<td>FUTURE LOST WAGES</td>
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<td><strong>TOTAL</strong></td>
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**ASSESSMENT OF GENERAL DAMAGES:**

PUNITIVE DAMAGES CLAIMED? [  ] YES [  ] NO

**OTHER DAMAGES ALLEGED:**

INTEREST RATE & DATE OF ATTACHMENT:

RECORDS REVIEW RECOMMENDED? [  ] YES [  ] NO

IME RECOMMENDED? [  ] YES [  ] NO

---

**V. LIABILITY ASSESSMENT**

IS THIS A CASE OF LIABILITY? [  ] YES [  ] NO

STATE OF LAW:

STRENGTHS/DEFENSES:

WEAKNESSES:

POTENTIAL CONTRIBUTION/INDEMNIFICATION/SUBROGATION POSSIBILITIES:

<table>
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<tr>
<th>TENDERED? [  ] YES [  ] NO</th>
<th>TO/FROM?</th>
<th>DATE OF TENDER:</th>
<th>RESPONSE TO TENDER:</th>
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CROSS-CLAIMS/THIRD-PARTY COMPLAINTS FILED?
VI. EXPOSURE ASSESSMENT

EARLY RECOMMENDATION: [ ] SETTLE [ ] DEFEND

EXPECTED VERDICT: [ ] PLAINTIFF [ ] DEFENSE

VERDICT RANGE:

LIKELIHOOD OF SUCCESS (%):

ANTICIPATED PORTION OF CONTRIBUTORY NEGLIGENCE:

ANTICIPATED PORTION OF 3RD PARTY CONTRIBUTION:

OTHER POTENTIAL SETOFFS:

IF SETTLED, APPROXIMATE FEES & COSTS:

IF TRIED, APPROXIMATE FEES & COSTS:

APPROXIMATE LEGAL CHARGES TO DATE:

PUBLICITY CONCERNS:

PRECEDENTIAL IMPACT:

VII. SETTLEMENT NEGOTIATIONS

PRIOR DEMAND AMOUNT(S): $ DEMAND DATE(S):

PRIOR OFFER AMOUNT(S): $ OFFER DATE(S):

STATUS OF NEGOTIATIONS:

RECOMMENDED OFFER TODAY: $

Offer of Judgment? [ ] YES [ ] NO

If yes, date offered:

RECOMMENDED OFFER BEFORE TRIAL: $
VIII. DEFENSE PLAN

After initial plan, update with procedural status.

WRITTEN DISCOVERY:

1. ANTICIPATED/REMAINING DISCOVERY:

2. COMPLETED DISCOVERY:

DEPOSITIONS:

1. ANTICIPATED/REMAINING DEPOSITIONS (including dates):

2. COMPLETED DEPOSITIONS:

EXPERTS:

1. RECOMMENDED EXPERTS:

2. RETAINED EXPERTS:

DISPOSITIVE MOTIONS:

LEGAL RESEARCH:

IX. DEADLINES

Include all key deadlines (e.g., deadline to file cross-claims/ 3rd party complaints, disclose experts, complete discovery, engage in mediation, file dispositive motions, etc.).

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<tr>
<th>DEADLINE</th>
<th>ACTIVITY/EVENT</th>
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### BUDGET OF DEFENSE COSTS

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<td>WRITTEN DISCOVERY</td>
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<td>DEPOSITIONS</td>
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<td>EXPERTS</td>
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<td>LEGAL RESEARCH</td>
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<td>DISPOSITIVE MOTIONS</td>
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<td>MEDIATION/ADR</td>
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<td>TRIAL PREPARATION</td>
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<td>ACTUAL TRIAL TIME</td>
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<td>TOTALS</td>
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### NEXT STEPS

**RECOMMENDED NEXT STEPS:**

**COMMENTS & SUGGESTIONS/ASSESSMENTS:**

### MISCELLANEOUS

**Any issues? (Conflict of interest, trial attorney, etc.):**

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<th>Claim Representative</th>
<th>Date</th>
<th>Defense Attorney</th>
<th>Date</th>
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6
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

,  )
    
 Plaintiff(s), ) No. CV-

vs. )

Defendant(s). )

On , a Case Management Conference was held in open Court pursuant to Rule 16 of the Federal Rules of Civil Procedure. Prior to the conference, the parties met and prepared a Joint Rule 26(f) Case Management Report and a Joint Proposed Rule 16 Case Management Order. On the basis of the Case Management Conference and the parties’ submissions, the Court enters the following Order.

IT IS ORDERED:

I. RULES


II. JOINING PARTIES AND AMENDING PLEADINGS

The deadline for joining parties, amending pleadings, and filing supplemental pleadings is sixty (60) days from the date of this Order.

III. DISCOVERY

Initial Disclosures: All Initial Disclosures as defined in Rule 26(a) of the Federal Rules of Civil Procedure. The parties shall file with the Clerk of Court a Notice of Initial Disclosure, rather than copies of the actual disclosures.

Discovery Deadline: All discovery must be completed on or before.

Written Discovery Limitations: Each side may propound up to 25 interrogatories, including subparts. The parties are also limited to 25 requests for production of documents, including subparts, and 25 requests for admissions, including subparts. All interrogatories, requests for production of documents, and requests for admissions shall be served at least forty-five (45) days before the discovery deadline. Responses to discovery requests must be stated with specificity, and the parties are cautioned that the Federal Rules of Civil Procedure do not permit general or boilerplate objections.

Deposition Limitations: All depositions shall be scheduled to commence at least five (5) working days prior to the discovery deadline. A deposition commenced five (5) days prior to the deadline may continue up until the deadline, as necessary.

Expert Disclosures: Plaintiff(s) shall provide full and complete expert disclosures as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than

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2 This Order governs and supersedes the “30 days before trial” disclosure deadline. See Fed. R. Civ. P. 26(a)(3). The discovery deadline concludes the time to propound discovery, the time to answer all propounded discovery, the time to supplement disclosures and discovery, the time for discovery by subpoena, the time for the Court to resolve all discovery disputes, and the time to complete any final discovery necessitated by the Court’s ruling on any discovery disputes.

3 The parties may mutually agree in writing, without Court approval, to increase the discovery limitations or extend the time provided for discovery responses in Rules 33, 34, and 36 of the Federal Rules of Civil Procedure. Such agreed-upon increases or extensions, however, shall not alter or extend the discovery deadlines set forth in this Order.
Defendant(s) shall provide full and complete expert disclosures as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than. Rebuttal expert disclosures, if any, shall be made no later than. Rebuttal experts shall be limited to responding to opinions stated by initial experts. Absent truly extraordinary circumstances, parties will not be permitted to supplement their expert reports after these dates.4

**Expert Depositions:** Expert depositions shall be completed no later than. As with fact witness depositions, expert depositions shall be scheduled to commence at least five (5) working days before the deadline.

**Discovery Disputes:** Motions on discovery matters are strongly discouraged. Parties shall not present any discovery dispute without first seeking to resolve the matter through personal consultation and sincere effort as required by LRCiv 7.2(j). If the parties cannot reach a resolution, they may jointly request Court assistance by filing a **Joint Motion for Discovery Dispute Resolution.** The motion shall set forth a joint statement of the discovery dispute and shall not exceed three (3) pages in length. The parties shall also attach to their motion written certification of compliance with LRCiv 7.2(j). Absent extraordinary circumstances, the Court will not entertain fact discovery disputes after the deadline for completion of fact discovery, and will not entertain expert discovery disputes after the deadline for completion of expert discovery.

**IV. MOTIONS**

**Dispositive Motion Deadline:** Dispositive motions shall be filed no later than.

**Dispositive Motion Limitations:** Absent leave of Court, no party shall file more than one motion for summary judgment. To obtain leave of Court, a party shall file a motion setting forth the reasons justifying the filing of more than one summary judgment motion.

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4 An expert witness who has not been timely disclosed will not be permitted to testify at trial unless the party offering such witness demonstrates that: (a) the necessity of such expert witness could not have been reasonably anticipated at the time of the deadline for disclosing such expert witness; (b) the Court and opposing counsel or unrepresented party were promptly notified upon discovery of such expert witness; and (c) such expert witness was promptly proffered for deposition. **See Wong v. Regents of the University of California,** 410 F.3d 1052, 1060 (9th Cir. 2005).
**Oral Argument:** The parties shall not notice oral argument on any motion. Instead, a party seeking oral argument shall place the words “Oral Argument Requested” immediately below the title of the motion. See LRCiv 7.2(f). The Court will issue an order scheduling oral argument as it deems appropriate.

**Copies:** A paper copy of any document exceeding ten (10) pages in length shall be submitted to chambers promptly following its electronic filing. Paper copies of documents which are too large for stapling must be submitted in a three-ring binder. Electronic copies of proposed orders or findings shall be emailed to chambers in Microsoft Word® format at Logan_Chambers@azd.uscourts.gov.

**Noncompliance:** All parties are specifically admonished that “[i]f a motion does not conform in all substantial respects with the requirements of [the Local Rules], or if the opposing party does not serve and file the required answering memoranda… such noncompliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily.” LRCiv 7.2 (emphasis added).

V. SETTLEMENT DISCUSSIONS

All parties and their counsel shall meet in person and engage in good faith settlement talks no later than five (5) working days after the deadline for settlement talks, and in no event later than five (5) working days after the deadline for settlement talks, the parties shall file with the Court a joint report on settlement talks executed by or on behalf of all counsel. The report shall inform the Court that good faith settlement talks have been held and shall report on the outcome of such talks. The parties shall indicate whether assistance from the Court is needed in seeking settlement of the case. The parties shall promptly notify the Court at any time when settlement is reached during the course of this litigation.

VI. FINAL PRETRIAL CONFERENCE

If no dispositive motions are pending before the Court after the dispositive motion deadline has passed, Plaintiff(s) shall file and serve a Notice of Readiness for Final Pretrial Conference within seven (7) days of the dispositive motion deadline. If a
dispositive motion is pending before the Court following the dispositive motion deadline, Plaintiff(s) shall file and serve a Notice of Readiness for Final Pretrial Conference within **seven (7) days** of the resolution of the dispositive motion. Following the filing of the Notice, the Court will issue an Order Setting Final Pretrial Conference that: (1) sets deadlines for briefing motions in limine; (2) includes a form for the completion of the parties’ joint proposed Final Pretrial Order; and (3) otherwise instructs the parties concerning their duties in preparing for the Final Pretrial Conference. A firm trial date will be set at the Final Pretrial Conference.

**ADVISAL**

The parties are advised that the Court intends to enforce the deadlines and guidelines set forth in this Order, and they should plan their litigation activities accordingly. The Court emphasizes that it has a strict policy not to extend the dispositive motion deadline beyond the two-year anniversary of the date of commencement of an action. Even if all parties stipulate to an extension, the Court will not extend the deadlines absent good cause to do so. As a general matter, the pendency of settlement discussions or the desire to schedule mediation does not constitute good cause.