

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. ) 3:10-CV-8142-JWS  
 )  
 JOSEPH J. LIPARI, EILEEN H. )  
 LIPARI, and EXETER PROPERTIES )  
 L.L.C., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

SCHEDULING AND PLANNING ORDER

I. Meeting of Counsel

Based upon information available to the court through a status report completed by the parties pursuant to Rules 16 and 26(f), Federal Rules of Civil Procedure and the scheduling and planning conference, this order for the pretrial development of the case is entered pursuant to Rule 16(b), Federal Rules of Civil Procedure.

II. Pre-Discovery Disclosures

The information required by Rule 26(a)(1), Federal Rules of Civil Procedure:

- A. Has been exchanged by the parties.
- B. **X** Shall be exchanged by the parties on or before **December 31, 2010.**

- C.  Preliminary witness lists:
  - 1. Have been exchanged by the parties.
  - 2.  Shall be exchanged by the parties on or before **December 31, 2010**.

Counsel for each party must contemporaneously prepare and maintain a written record of all disclosures and supplementation of disclosures or responses made to requests for discovery under Rule 26(a) and (e), Federal Rules of Civil Procedure. Unless required in support of a motion or by order of the court, disclosures and supplemental disclosures are not to be filed with the court.

III. Contested Issues of Fact and Law

- A.  Nothing further is required.
- B. The parties have either failed to submit a preliminary statement of issues or have submitted an unsatisfactory preliminary statement of issues. The parties shall meet, prepare, and file a satisfactory preliminary joint statement of issues on or before

IV. Discovery Plan

Discovery shall be conducted in accordance with Rules 26 through 37 of the Federal Rules of Civil Procedure, applicable Local Civil Rules, and the discovery plan contained in the status

report of the parties, except as otherwise provided below.

A.  Issues requiring discovery.

1.  Nothing further is required.

2. The parties have not submitted a statement of issues requiring discovery. The parties shall meet, prepare, and file that statement on or before

B.  Preserving discovery information.

1.  There is no indication that this will be an issue.

2. *[Other]*

C. Claims of privilege or protection of trial preparation materials shall be handled as follows:

1.  There is no indication that this will be an issue.

2. The parties have entered into a confidentiality agreement.

3. The parties shall submit their proposed confidentiality agreement on or before

D. Expert witness disclosures in accordance with Rule 26(a)(2) shall be made: There is no indication expert witnesses will be used.

1. By all parties on or before

2. By plaintiff on or before

3. By defendant on or before
4. Rebuttal reports on or before

E. Disclosures and discovery responses shall be supplemented in accordance with Rule 26(e):

1. At intervals of days; and final supplementations shall be served and filed 60 days before the close of fact discovery.
2. **X** As new information is acquired, but not later than 60 days before the close of discovery.

The disclosures required by Rule 26(a)(3), to the extent not covered by this order, will be addressed by the court in an Order for Pretrial Proceedings and Final Pretrial Conference, which the court will issue concurrent with setting this case for trial.

F. A final witness list, disclosing all lay and expert witnesses whom a party may wish to call at trial, shall be served and filed not later than: **April 1, 2011**. Only those witnesses disclosed in a timely filed witness list will be permitted to testify at trial.

G. Discovery shall be scheduled so as to be completed by:

1. As to all fact discovery, on or before
2. As to all expert discovery, on or before

3. **X** As to all discovery, on or before **May 20, 2011**.

If discovery is not completed by the date or dates above specified, counsel may stipulate to a single continuance of no more than two months for the completion of same, provided that any such stipulation shall state precisely what discovery remains and when it will be accomplished.<sup>1</sup> A discovery conference must be requested if more time is required to complete such discovery.

H. The following limitations on discovery are imposed:

1. **X** Comply with applicable Federal Rules of Civil Procedure and local rules.
2. The maximum number of depositions by each party shall not exceed
  - (a) Depositions shall not exceed hours as to any deponent.
  - (b) Depositions shall not exceed hours as to non-party deponents.
  - (c) Depositions shall not exceed hours as to party<sup>2</sup> deponents.

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<sup>1</sup>Such a stipulation does not require court approval.

<sup>2</sup>Unless otherwise specified, the court will consider corporate officer, Rule 30(b)(6) witness, and expert witness depositions to be subject to the time limitation applicable to party depositions.

3. The maximum number of interrogatories posed by each party shall not exceed
4. The maximum number of requests for admissions posed by each party shall not exceed
5. *[Other limitations:]*

V. Pretrial Motions

A.  Preliminary motions as to jurisdiction, venue, arbitration, and/or statutes of limitation shall be served and filed not later than:

1.  Not applicable.
2. *[Date:]*

B.  Motions to amend, motions under the discovery rules, motions *in limine*, and dispositive motions:

1. shall be served and filed not later than the times specified by applicable Local Rules and Rule 56(c)(1)(A), Federal Rules of Civil Procedure, except as indicated below.
2.  Motions to amend pleadings or add parties shall be served and filed not later than **December 31, 2010**.

3.  Motions under the discovery rules shall be served and filed not later than **June 10, 2011**.

4.  Motions *in limine* shall be served and filed not later than **June 10, 2011**.

5.  Dispositive motions shall be served and filed not later than **June 10, 2011**.

VI. Further Pretrial Proceedings

A.  The parties have not requested a scheduling conference with the court.

B.  The parties have not consented to all further proceedings in this case being before a United States magistrate judge.

C. With reference to the disclosure requirements of Rule 7.1, Federal Rules of Civil Procedure:

1. The parties are in compliance.

2.  Compliance shall be accomplished on or before **December 31, 2010**.

D. The parties have considered and reported to the court as regards possible alternative dispute resolution procedures. The use of ADR procedures appears premature at this time. The court will arrange for mediation assistance from a judge of this court upon request of the parties.

E. The court will schedule a pretrial conference for purposes of considering matters set out in Rule 16(c)(2), Federal Rules of Civil Procedure, upon the request of the parties. The court will call upon the parties to certify the case ready for trial when the times specified for discovery and motion practice have expired. The court will issue an order governing final preparation for trial and scheduling a final pretrial conference when the case has been certified ready for trial.

F. In the event that the parties have completed discovery before the discovery close date set in this scheduling and planning order, and if no dispositive motions are then pending or are to be filed by a party, counsel may jointly file a certificate that the case is ready for trial. When the time allowed for discovery and motion practice has passed and all pending dispositive motions have been ruled upon, the court will call upon the parties to certify the case ready for trial.



VII. Trial

It is estimated that this case will require **two (2)** days for trial by **court**. If requested, the right to a jury trial is not disputed.

DATED at Anchorage, Alaska, this 17th day of December 2010.

/s/ JOHN W. SEDWICK  
United States District Judge