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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Maria M. Gonzalez, et al.,)	No. CV-06-1268-PHX-ROS(Lead)
)	No. CV-06-1362-PCT-ROS
Plaintiffs,)	No. CV-06-1575-PCT-ROS
)	
vs.)	
)	FINAL AMENDED SCHEDULING
State of Arizona, et al,)	ORDER
)	
Defendants.)	(Assigned to the
)	Honorable Roslyn O. Silver)
)	
)	
)	
)	

It is ordered that the Scheduling Order is reset as follows:

- A. All proceedings concerning this case shall be in accordance with the Federal Rules of Civil Procedure.
- B. All Initial Disclosures as defined in FRCP 26(a)(1), if not already disclosed prior to the Scheduling Conference, shall be made not later than August 8, 2007.
- C. To satisfy the requirements of FRCP 26(a)(1), the parties shall file with the Clerk of the Court a Notice of Initial Disclosure, rather than copies of the actual disclosures.
- D. *Procedural* motions including Motions to Amend the Complaint or Answer, and Motions to Join Additional Parties shall be filed no later than November 16, 2007. All Motions to Amend shall attach a copy of the proposed complaint or answer.
- E. Plaintiffs shall disclose the identity of all persons who may be used at trial to present evidence under Federal Rules of Evidence (FRE) 701, 702, 703, 704, and 705 no later than

1 January 4, 2008. The Defendants shall disclose the identity of all persons who may be used at
2 trial to present evidence under FRE 701, 702, 703, 704, or 705 no later than February 15, 2008.
3 The Plaintiffs shall disclose any rebuttal expert testimony by March 7, 2008. No deposition of
4 any expert witness shall occur before the disclosures concerning that expert witness, mandated
5 by this Order, have been made.
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7 The disclosures of the identities of all persons who may be used at trial to present
8 evidence under FRE 701, 702, 703, 704, or 705 shall also include all of the disclosures required
9 by FRCP 26(a)(2)(B) if the witness is either (1) retained or specifically employed to provide
10 expert testimony in the case, or (2) is an agent or employee of the party offering the testimony
11 whose duties regularly involve giving expert testimony.
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13 **ITCA Plaintiffs shall finally supplement their expert reports on phase I of their**
14 **survey (voter registration) by March 28, 2008. Gonzalez Plaintiffs shall finally**
15 **supplement their preliminary expert reports by March 28, 2008. Gonzalez Plaintiffs shall**
16 **finally supplement their expert reports with any analysis of supplemental discovery of**
17 **rejected voter registration forms from Yuma County within seven business days following**
18 **receipt of those forms from Yuma County. All Plaintiffs shall finally supplement their**
19 **expert reports on phase II (conditional provisional ballots) by April 25, 2008. Defendants**
20 **shall finally supplement their expert reports by May 9, 2008. Plaintiffs shall disclose any**
21 **final rebuttal expert testimony by May 23, 2008.**
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23 F. All fact discovery, including answers to interrogatories, production of documents,
24 depositions and requests to admit shall be completed by January 18, 2008. All expert discovery
25 shall be completed by **June 4, 2008.**
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1 G. The parties shall finally supplement all discovery, including material changes to
2 expert witness opinions and material disclosures, pursuant to FRCP 26(a)(3), of all exhibits to
3 be used and all witnesses to be called at trial, on or before **June 4, 2008**.¹

4 H. Discovery by interrogatory shall be governed by the national uniform requirements
5 set forth in FRCP 33.

6 I. Depositions shall be limited by the national uniform requirements set forth in Rules
7 30, 31, and 32 of the FRCP.

8 J. Motions on discovery matters are strongly discouraged. Parties are directed to Local
9 Rule of Civil Procedure (LRCiv) 7.2(j), which prohibits filing discovery motions unless parties
10 have first met to resolve any discovery difficulties. If the parties cannot reach a resolution, they
11 are directed to jointly arrange with the Court a conference call to resolve the matter orally in
12 court in lieu of filing a formal motion. Once the call is made, the Court will provide further
13 directions concerning preparations for the conference call.

14 K. This Order contemplates that each party will conduct discovery to permit completion
15 within the deadline. Any discovery which results in insufficient time to undertake necessary
16 additional discovery and which requires an extension of the discovery deadline will be met with
17 disfavor, will only be granted for good cause or only to prevent manifest injustice pursuant to
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23 ¹ The parties are on notice that this Order requires disclosures different than that
24 required by FRCP 26(a)(2).

25 The parties are on notice that this order supersedes the "30 days before trial" disclosure
26 deadline contained in FRCP 26(a)(3). Therefore, failure to timely supplement pursuant to Rule
27 26(e), including attempts to include witnesses and exhibits in the Proposed Final Pretrial Order
28 or at trial that were not previously disclosed in a timely manner may result in the exclusion of
such evidence at trial or the imposition of other sanctions including dismissal and the
imposition of default pursuant to FRCP 37, the Local Rules of Civil Procedure of the District
Court, and the inherent power of the Court.

1 FRCP 16(b) and (e), and may result in denial of an extension, exclusion of evidence, or the
2 imposition of other serious sanctions pursuant to FRCP 37(b), (c), (d).

3 **L. Dispositive motions addressing issues other than those raised by the decision of**
4 **the U.S. Supreme Court in *Crawford v. Marion County Election Board* shall be filed no**
5 **later than June 6, 2008.** Oppositions to **the above-mentioned** dispositive motions shall be
6 filed no later than **June 16, 2008**, and reply briefs shall be filed no later than **June 26, 2008**.

8 M. All parties are specifically admonished that pursuant to LRCiv 7.2(i), "[i]f a motion
9 does not conform in all substantial respects with the requirements of this Rule, or if the
10 opposing party does not serve and file the required answering memoranda, or if counsel for any
11 party fails to appear at the time and place for oral argument, such non-compliance may be
12 deemed a consent to the denial or granting of the motion and the Court may dispose of the
13 motion summarily."

15 N. The parties shall keep the Court apprised of settlement negotiations and the progress
16 of discovery. A joint letter to the Court concerning the status of settlement discussions
17 (containing no specific settlement terms or offers) and the progress of discovery shall be
18 submitted by March 7, 2008, and initially labeled "FIRST NOTICE OF DISCOVERY AND
19 SETTLEMENT," and shall be subsequently submitted every FOUR (4) months thereafter. If
20 settlement is reached the parties shall file a Notice of Settlement with the Clerk of the Court
21 with a copy to Judge Silver's Chambers.

23 O. A Joint Proposed Pretrial Order, all Motions in Limine and a Joint Statement of the
24 Case shall be lodged and filed by **July 15, 2008**. If dispositive motions have been filed, the
25 Joint Proposed Pretrial Order and Motions in Limine and other pretrial documents shall be due
26 either on the above date or 30 days following resolution of the dispositive motions, whichever
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1 is later. The content of the Joint Proposed Pretrial Order is that prescribed in the Court's form of
2 Joint Proposed Pretrial Order. [See Court's website: www.azd.uscourts.gov under "Judges and
3 Courtrooms/Orders, Forms & Procedures"]. Responses to Motions in Limine are due 15 days
4 after the Motions are filed, and no Replies are permitted unless specifically ordered by the
5 Court.

7 P. Because the case will be tried to the Court, rather than to a jury, in addition to filing a
8 **Joint Proposed Pretrial Order**, each party shall file **Proposed Findings of Fact and**
9 **Conclusions of Law on a date set by the Court in a later order.** .


10 Q. The attorneys who will be trying the case for each of the parties shall appear at the
11 Final Pretrial Conference, that will be scheduled as promptly as possible after the filing of the
12 Joint Proposed Pretrial Order. The attorneys appearing at the conferences shall be prepared to
13 address the merits of all issues raised in the Joint Proposed Pretrial Order and fully briefed
14 Motions in Limine. At the Pretrial Conference **the Court** will sign the Final Pretrial Order
15 with any additional **instructions for trial preparation. Trial is set to begin July 29, 2008.**

17 R. Any other final pretrial matters required pursuant to FRCP 26(a)(3) are due in
18 accordance with this Order prior to the preparation and filing of the Joint Proposed Pretrial
19 Order

20 This Court views compliance with the provisions of this Order as critical to its
21 case management responsibilities and the responsibilities of the parties under FRCP 1.

22 Dated this 27th day of March, 2008.

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Roslyn O. Silver
United States District Judge