

1
2
3
4
5
6
7
8
9
10
11
12
13
14

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Johnny Wheatcroft, et al.,
Plaintiffs,
v.
City of Glendale, et al.,
Defendants.

No. CV-18-02347-PHX-ROS
ORDER

The parties filed a stipulation for an extension of time to answer the Amended Complaint. (Doc. 9). This case is part of the Mandatory Initial Discovery Pilot project (“MIDP”) being conducted in the District of Arizona under General Order 17-08. Under the MIDP, “[a] party seeking affirmative relief must serve its responses to the mandatory initial discovery no later than 30 days after the first pleading filed in response to its complaint, counterclaim, crossclaim, or third-party complaint.” *Id.* at ¶ (A)(6). It further provides that “[a] party filing a responsive pleading, whether or not it also seeks affirmative relief, must serve its initial discovery responses no later than 30 days after it files its responsive pleading.” *Id.*¹

The parties have requested an extension until November 26, 2018. The Court concludes good cause exists and will grant a one-time extension. But because the

¹ These requirements do not apply if the parties certify that no discovery will be conducted in the case, and may be extended for 30 days if the parties jointly certify to the Court that they are seeking to settle the case and have a good faith belief that it will be resolved within 30 days of the due date for their responses. *Id.*

25
26
27
28

1 effectiveness of the MIDP depends in part on early disclosures, the Court will not grant
2 additional extensions. Thus, the parties' obligations to produce the information called for
3 in the MIDP will be triggered by the Defendant's response to the Complaint.

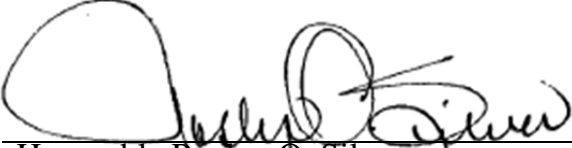
4 The parties should be aware that the filing of a motion to dismiss under Rule
5 12(b)(6) will not postpone the time for compliance with the MIDP. The General Order
6 provides that compliance may be deferred only for motions to dismiss based on lack of
7 subject-matter jurisdiction, lack of personal jurisdiction, sovereign immunity, or absolute
8 or qualified immunity of a public official. *Id.* at ¶ (A)(5).

9 The parties are further reminded that they must address their compliance with the
10 MIDP in their Rule 26(f) report and at the Rule 16 case management conference. *Id.* at
11 ¶ (A)(6).

12 **IT IS ORDERED** the stipulation, (Doc. 9), is **GRANTED**. Defendants' time to
13 respond to the Amended Complaint is extended to and including November 26, 2018. No
14 further extensions will be granted.

15 Dated this 21st day of November, 2018.

16
17
18
19
20
21
22
23
24
25
26
27
28



Honorable Roslyn O. Silver
Senior United States District Judge