

1 **Rule 16. Pretrial conferences.**

2 (a) Pretrial conferences. The court, in its discretion or upon motion, may direct the
3 attorneys and, when appropriate, the parties to appear for such purposes as:

4 (a)(1) expediting the disposition of the action;

5 (a)(2) establishing early and continuing control so that the case will not be protracted
6 for lack of management;

7 (a)(3) discouraging wasteful pretrial activities;

8 (a)(4) improving the quality of the trial through more thorough preparation;

9 (a)(5) facilitating mediation or other ADR processes for the settlement of the case;

10 (a)(6) considering all matters as may aid in the disposition of the case;

11 (a)(7) establishing the time to join other parties and to amend the pleadings;

12 (a)(8) establishing the time to file motions;

13 (a)(9) establishing the time to complete discovery;

14 (a)(10) extending fact discovery;

15 (a)(11) setting the date for pretrial and final pretrial conferences and trial;

16 (a)(12) provisions providing for the preservation, disclosure or discovery of
17 electronically stored information;

18 (a)(13) considering any agreements the parties reach for asserting claims of
19 privilege or of protection as trial-preparation material after production; and

20 (a)(14) considering any other appropriate matters.

21 (b) **Trial settings.** Unless an order sets the trial date, any party may and the plaintiff
22 shall, at the close of all discovery, certify to the court that discovery is complete, that any
23 required mediation or other ADR processes have been completed or excused and that
24 the case is ready for trial. The court shall schedule the trial as soon as mutually
25 convenient to the court and parties. The court shall notify parties of the trial date and of
26 any final pretrial conference.

27 (c) **Final pretrial conferences.** The court, in its discretion or upon motion, may
28 direct the attorneys and, when appropriate, the parties to appear for such purposes as
29 settlement and trial management. The conference shall be held as close to the time of
30 trial as reasonable under the circumstances.

31 (d) **Sanctions.** If a party or a party's attorney fails to obey an order, if a party or a
32 party's attorney fails to attend a conference, if a party or a party's attorney is
33 substantially unprepared to participate in a conference, or if a party or a party's attorney
34 fails to participate in good faith, the court, upon motion or its own initiative, may take any
35 action authorized by Rule 37(e).

36 **Advisory Committee Notes**

37 For the purposes of this rule, "ADR" is as defined in CJA Rule 4-510.

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