

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) the date for pretrial and final pretrial conferences and trial;

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

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

20       (a)(14) 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  
23 any required mediation or other ADR processes have been completed or excused and  
24 that 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 direct  
28 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