

1 restraining order be entered and remain in effect until the Court has held a hearing and
2 issued a ruling on Plaintiffs' Motion for Preliminary Injunction. *See* Fed. R. Civ. P. 65
3 (b)(2) (the Court may issue a temporary restraining order for an extended period upon
4 consent of the adverse party). Finding the parties have presented good cause for their
5 request,

6 **IT IS ORDERED** that the parties' Stipulation (Doc. 30) is **granted** as follows:

7 1. **Temporary Restraining Order**: That Defendants are **temporarily**
8 **restrained** and **enjoined** from enforcing the provisions of Section 4 of Arizona Senate
9 Bill 1318 to be codified at A.R.S. §§ 36-2153(A)(2)(h) and (i), pending ruling on the
10 Motion for Preliminary Injunction and further Order of this Court. Physicians and other
11 designated health care professionals² are not required to comply with the provisions of
12 Section 4 of S.B. 1318 to be codified at A.R.S. §§ 36-2153(A)(2)(h) and (i), absent
13 further Order of this Court;

14 2. **Briefing**: That the briefing schedule for the Motion for Preliminary
15 Injunction (Doc. 22) is modified as follows:

- 16 • Plaintiffs shall have until **June 30, 2015** to file any supplemental
17 memorandum in support of their Motion for Preliminary Injunction;
- 18 • Defendants shall file any Response to the Motion for Preliminary
19 Injunction no later than **July 30, 2015**; and
- 20 • Plaintiffs shall file any Reply by **August 31, 2015**;

21 3. **Hearing**: That the Preliminary Injunction Hearing presently set for June
22 23, 2015 is **vacated**. A hearing on Plaintiffs' Motion for Preliminary Injunction shall be
23 held on **October 21, 2015, October 22, 2015, and October 23, 2015**, at **9:00 a.m.**,
24 before the Honorable Judge Steven P. Logan, United States District Judge, in the Sandra
25 Day O'Connor United States Courthouse, located at 401 West Washington Street,
26 Phoenix, Arizona 85003, 5th Floor, Courtroom 501;

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² As enumerated in A.R.S. § 36-2153(A)(2)

1 4. **Joint Pre-Hearing Statement:** That the parties shall jointly prepare and
2 file a joint pre-hearing statement no later than **October 7, 2015**, setting forth the content
3 prescribed in **Attachment A**;

4 5. **Proposed Findings of Fact and Conclusions of Law:** That each party
5 must submit *separate* Proposed Findings of Fact and Conclusions of Law no later than
6 **October 7, 2015**. The Proposed Findings of Fact and Conclusions of Law shall be
7 submitted by: (1) electronically filing a Notice of Filing with the Clerk of the Court, with
8 the Proposed Findings of Fact and Conclusions of Law attached to the Notice; (2)
9 providing a paper copy (three-hole punched with binder) to chambers; and (3) emailing a
10 copy to Logan_Chambers@azd.uscourts.gov in Microsoft Word[®] format; and

11 6. **Proposed Injunction:** That Plaintiffs shall submit a proposed form of
12 preliminary injunction, including the proposed bond amount (if applicable), no later than
13 **October 7, 2015**;

14 7. **Exhibits and Depositions:** That the parties shall mark, list, and deliver
15 exhibits and deposition materials in the manner prescribed in **Attachment B** no later than
16 **October 16, 2015**;

17 8. **Exhibit and Witness Lists:** That the parties shall complete and provide
18 Exhibit and Witness Lists in the manner prescribed in **Attachment B** no later than
19 **October 16, 2015**;

20 9. **Information for Court Reporter:** That a “Joint Notice to Court Reporter”
21 shall be emailed to the Court Reporter at Candy_Potter@azd.uscourts.gov no later than
22 **October 16, 2015**. The Notice shall contain the following information:

23 (i) *Hearing Terms and Names:*

- 24 • Proper names, including those of witnesses;
25 • Acronyms;
26 • Geographic locations;
27 • Technical (including medical) terms, names or jargon;
28 • Case names and citations; and

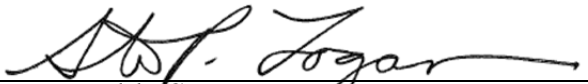
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- Pronunciation of unusual or difficult words or names;
- (ii) *Feed and Transcript*: Whether either party requests a real-time feed and/or daily transcript of hearing proceedings; and
- (iii) *Deposition(s)*: Concordance from key depositions.

ADVISAL BY THE COURT

The Court will not allow the parties to offer an exhibit, a witness, or other information at the hearing that was not: (1) disclosed in accordance with the provisions of this Order; (2) disclosed in accordance with the provisions of the Federal Rules of Civil Procedure; and (3) listed in the Joint Pre-Hearing Statement, unless the offering party can show good cause as to why such party failed to comply with these requirements.

Dated this 16th day of June, 2015.



Honorable Steven P. Logan
United States District Judge

ATTACHMENTS

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- Attachment A Joint Pre-Hearing Statement
- Attachment B Exhibit and Hearing Material Instructions
- Exhibit List Form
- Witness List Form
- Exhibit Cover Sheet

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ATTACHMENT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

)	No. CV-
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Plaintiff(s),)	JOINT PRE-HEARING STATEMENT
vs.)	
,)	
Defendant(s).)	

The following is the Joint Pre-Hearing Statement to be considered at the _____
Hearing set for _____.

1. COUNSEL FOR THE PARTIES

- A.** Plaintiff(s):
- B.** Defendant(s):

Note: The name(s), mailing address, email address(es), office phone number and
facsimile number shall be included for each party.

2. ESTIMATED LENGTH OF HEARING

__ hours – Plaintiff(s) Case (including rebuttal, if any)

__ hours – Defendant(s) Case

__ hours – Total

3. STATEMENT OF JURISDICTION

- A.** Cite the statute(s) which gives this Court jurisdiction.
- Example:* Jurisdiction in this case is based on diversity of citizenship under 28

1 U.S.C. § 1332.

2 **B.** State whether jurisdiction is or is not disputed.

3 *Note:* If jurisdiction is disputed, the party contesting jurisdiction shall set forth
4 with specificity the bases for the objection.

5 **4. LIST OF WITNESSES**

6 **A.** Each party shall *separately* list the names of witnesses,¹ their addresses,
7 whether they are fact or expert witnesses, and a brief description of the testimony of each
8 witness. The witnesses shall be grouped as follows:

- 9 (i) witnesses who shall be called at the hearing;
10 (ii) witnesses who may be called at the hearing; and
11 (iii) witnesses who are unlikely to be called at the hearing.

12 **B.** The parties shall include the following text in this section of the Joint Pre-
13 Hearing Statement:

14 Each party hereby acknowledges by signing this Joint Pre-
15 Hearing Statement that it is responsible for ensuring that the
16 witnesses it wishes to call to testify are subpoenaed. Each
17 party further understands that any witness a party wishes to
18 call shall be listed on that party's list of witnesses; the party
19 cannot rely on the witness having been listed or subpoenaed
20 by another party.

19 **5. LIST OF EXHIBITS**

20 **A.** The following exhibits are admissible in evidence and may be marked in
21 evidence by the Courtroom Deputy:

22 Plaintiff(s) Exhibits:

23 Defendant(s) Exhibits:

24 **B.** As to the following exhibits, the parties have reached the following
25 stipulations:

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28 ¹ The parties shall not list witnesses which will be used *only* for impeachment purposes.

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Plaintiff(s) Exhibits:

Defendant(s) Exhibits:

C. As to the following exhibits, the party against whom the exhibit is to be offered objects to the admission of the exhibit and offers the objection stated below:

Plaintiff(s) Exhibits:

Example:

Exhibit No. 6: City Hospital records of Plaintiff from March 6, 1985

Objection: Defendant objects for lack of foundation because (the objection must specify why there is a lack of foundation)

Defendant(s) Exhibits:

Example:

Exhibit No. 10: Payroll records of Plaintiff's employer which evidence payment of Plaintiff's salary during hospitalization and recovery.

Objection: Plaintiff objects on grounds of relevance and materiality because... (the objection must specify why the exhibit is not relevant or material)

D. The parties shall include the following text in this section of the Joint Pre-Hearing Statement:

Each party hereby acknowledges by signing this Joint Pre-Hearing Statement that any objections not specifically raised herein are waived.

6. LIST OF DEPOSITIONS

A. The parties shall list the depositions that may be used at the hearing. The portions to be read or submitted at the hearing shall be identified by page and line number. Counter-designations (if any) to proposed deposition testimony shall also be listed in this section.

B. The parties shall include the following text in this section of the Joint Pre-Hearing Statement:

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Each party hereby acknowledges by signing this Joint Pre-Hearing Statement that any deposition not listed as provided herein will not be allowed at the hearing, absent showing of good cause.

ATTACHMENT B

EXHIBIT AND HEARING MATERIAL INSTRUCTIONS

The parties are responsible for the marking, listing, and delivery of exhibits and other hearing materials as follows.

1. Delivery

Exhibits and deposition transcripts shall be delivered to the Courtroom Deputy. The parties shall arrange a time with the Courtroom Deputy for the delivery of the hearing materials. The Courtroom Deputy may be contacted as follows:

Courtroom Deputy: Christine Boucher

Phone: (602) 322-7235

Email: Christine_Boucher@azd.uscourts.gov

2. Exhibit Lists

Exhibit lists shall be emailed to the Courtroom Deputy. At the time of delivery of the exhibits, the parties shall provide the Courtroom Deputy with one (1) original and two (2) copies of the exhibit list(s). The parties shall not provide the Courtroom Deputy with a copy of the Joint Pre-Hearing Statement in lieu of the exhibit list.

Exhibits may be listed on the exhibit list attached or in a Microsoft Word® document that mirrors the same format. Be sure to leave enough space to add additional information, such as subparts and additional exhibits. Each page shall be completed to the end or finished with blank blocks. Extra blank pages for the exhibit lists should also be provided. The exhibit number and description should start the top of each block. *Use brief descriptions.*

3. Witness Lists

Witness lists shall be emailed to the Courtroom Deputy. At the time of delivery of the exhibits, the parties shall also provide the Courtroom Deputy with one (1) original and two (2) copies of the witness list(s). The parties shall not provide the Courtroom Deputy with a copy of the Joint Pre-Hearing Statement in lieu of the witness list.

Witnesses may be listed on the witness list attached or in a Microsoft Word®

1 document that mirrors the same format. Provide the full name of each witness and list
2 them in alphabetical order. Names should be at the top of the block and extra spaces
3 provided at the end of the list. Extra blank pages for the witness lists should also be
4 provided.

5 **4. Numbering of Exhibits**

6 The parties shall number the exhibits. Court time will not be used for the marking
7 of exhibits and failure to comply with this directive will result in exhibits being remarked
8 by the parties. The parties shall consult with one another prior to marking exhibits to
9 *avoid marking duplicates*. If Plaintiff marks a document, Defendant should not mark the
10 same document. The exhibits are considered court exhibits, not Plaintiff or Defendant
11 exhibits. Either side may move the other's exhibits into evidence.

12 Blocks of numbers are assigned to each side: Plaintiff begins with number 1
13 through the estimated number of exhibits. Defendant begins with numbers following
14 Plaintiff's block of numbers (e.g., Plaintiff 1 - 80; Defendant 100 - 150). The blocks of
15 numbers should allow space for additional exhibits marked during the hearing. Please
16 contact the Courtroom Deputy to arrange number block assignments.

17 The parties should only use numbers when identifying subparts of exhibits (e.g.,
18 subparts of Exh. No. 3: 3-1, 3-2, 3-3). Blocks of numbers may be used to categorize
19 exhibits (e.g., series 1 - 99 are bank records; series 100 - 199 are tax returns; series 200 -
20 299 are photographs; etc.). Categorizing exhibits should be kept as simple and clear as
21 possible. In bulky documents, BATES stamp numbers may be placed on each page in the
22 bottom right corner and can be continuously numbered for easy reference.

23 **5. Use of Exhibit Cover Sheets and Labels**

24 The parties shall use the exhibit cover sheet attached to affix to each exhibit. The
25 parties shall print the exhibit cover sheets on colored paper; Plaintiff cover sheets should
26 be **Yellow**, and Defendant cover sheets should be **Blue**. The exhibit cover sheet shall be
27 stapled to the top of the original exhibit, and the exhibit shall be placed in a manila file
28 folder numbered to correspond with the exhibit number. Prepare extra cover sheets to use

1 for exhibits marked during the hearing.

2 If the paper exhibit is too large to staple, use a 2-hole fastener to fasten the exhibit
3 together at the top of the page, with an exhibit cover sheet attached to the front of the
4 exhibit. If the exhibit is a photograph or item smaller than 8" x 10", staple it to an exhibit
5 cover sheet or place an exhibit label on the reverse side, lower right-hand corner. Large
6 or bulky items may require the use of tie tags with the exhibit label placed on the tag or
7 may be marked in a logical location on the item or on the plastic bag containing the item.
8 Large diagrams, charts, drawings, and other demonstrative or visual evidence should be
9 identified in the lower right-hand corner with an exhibit label. If the item is an
10 enlargement of another marked exhibit, it should be numbered as a subpart of the smaller
11 exhibit. If exhibit labels are required, the parties shall request them from the Courtroom
12 Deputy no less than *five (5) days* prior to the hearing. As with exhibit cover sheets,
13 Plaintiff labels should be **Yellow**, and Defendant labels should be **Blue**.

14 **6. Use of Folders and Boxes**

15 Place exhibits loosely in manila file folders so that the exhibits may be pulled out
16 of the folder during the hearing. Do *not* attach the exhibit to the manila file folder. Label
17 the top of the folder to identify the exhibit number. Provide extra folders to the
18 Courtroom Deputy for exhibits marked during the hearing. Place the exhibit folders in a
19 box in numerical order. Mark the outside of the box to indicate which exhibits are
20 contained within it. Leave room in the box for any extra exhibits that may be submitted
21 during the hearing. *Do not place hearing exhibits in binders.*

22 **7. Stipulated Exhibits**

23 The parties may agree to the admission of exhibits before the hearing. The parties
24 shall prepare a list of stipulated exhibits to be marked as admitted into evidence (e.g.,
25 stipulated exhibits 1-28, 31, 45-50), and provide the list to the Courtroom Deputy along
26 with the exhibit and witness lists.

27 **8. Depositions**

28 The party offering a deposition or a portion of a deposition shall provide a

1 certified copy of the transcript in accordance with the federal rules. Portions of
2 depositions to be used at the hearing shall be delivered to the Courtroom Deputy no later
3 than **48 hours** prior to the hearing. Depositions are *not* to be marked as exhibits.
4 Depositions shall be placed in alphabetical order at the time they are delivered to the
5 Courtroom Deputy.

6 **9. Sensitive Exhibits**

7 At the hearing, the Courtroom Deputy will not take custody of any sensitive
8 exhibits. During lengthy breaks and at close of the day, these exhibits are returned to the
9 parties until court resumes.

10 **10. Return of Exhibits**

11 All exhibits are returned to the respective parties for custody at the conclusion of
12 the hearing pending all appeals unless otherwise ordered by the Court. If a Notice of
13 Return of Exhibits is issued and the exhibits are not retrieved within thirty (30) days, the
14 exhibits may be subject to destruction or otherwise disposed of.

15 **11. Courtroom Technology**

16 The parties are encouraged to use the document camera or any other audio and
17 video equipment available in the courtroom for presentation of evidence during the
18 hearing. Should the parties have questions or wish to test courtroom equipment, they may
19 contact Brian Lalley, A/V Specialist, at (602) 322-7131, but must do so no later than **one**
20 **(1) week** prior to the hearing. Information regarding the use of courtroom technology can
21 be found on the District Court's website under "Electronic/Video Courtroom Equipment
22 Information-Phoenix," located at <http://www.azd.uscourts.gov/judges/judges-orders>.

23 **12. Courtesy Copies for Judge**

24 **Exhibits:** A courtesy copy of hearing exhibits should be provided to the Judge at
25 the time of the delivery of the hearing exhibits. Exhibits should be placed in 3-ring
26 binders with numbered tabs to correspond with the exhibit numbers. The Judge's copies
27 should *not* have original exhibit covers sheets on them. The parties should also provide
28 the Judge with a CD-ROM disc or USB flashdrive containing an electronic copy of paper

1 exhibits offered.

2 **Depositions:** The Judge should be provided with a courtesy copy of any
3 deposition to be used at the hearing. The offering party shall highlight, in color, the
4 portions of the deposition to be offered. If multiple parties are offering the same
5 deposition, only one (1) copy of such deposition shall be provided. Plaintiff shall
6 highlight in **Yellow** the portions it wishes to offer, and Defendant shall highlight in
7 **Blue** the portions it wishes to offer.

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CASE NO. _____

VS. _____

PLAINTIFF EXHIBIT NO. _____

DATE: _____ IDEN.

DATE: _____ EVID.

BY: _____

Deputy Clerk

CASE NO. _____

VS. _____

DEFENDANT EXHIBIT NO. _____

DATE: _____ IDEN.

DATE: _____ EVID.

BY: _____

Deputy Clerk