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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 ABC IP LLC, et al.,

10 Plaintiffs,

11 v.

12 Cactus Ammo LLC, et al.,

13 Defendants.
14

No. CV-26-04873-PHX-DJH

ORDER

15 This matter having recently come before this Court, the parties are advised of the
16 following preliminary policies and procedures that will govern these proceedings, and are
17 ordered as follows.

18 **Governing Rules**

19 Both counsel and *pro se* litigants must abide by the [Local Rules of Civil Procedure](#)
20 (“LRCiv” or “Local Rules”), Rules of Practice of the U.S. District Court for the District
21 of Arizona, and the [Federal Rules of Civil Procedure](#).

22 **Service of Process**

23 Rule 4 of the Federal Rules of Civil Procedure requires that service of the
24 summons and complaint must be accomplished on each defendant within ninety (90) days
25 of the date of the filing of a complaint. Proof of service must be promptly filed with the
26 Clerk of Court pursuant to Rule 4(l).

27 If, for good reason, Plaintiff(s) cannot serve the summons and complaint on
28 Defendant(s) within ninety (90) days, a request for an extension of time in which to serve

1 the summons and complaint may be filed with the Clerk of Court prior to the expiration
2 of the 90-day period. Any request must set forth the reason why service has not been
3 accomplished and request a specific short period of time in which to accomplish such
4 service.

5 As will be repeated throughout the duration of this case, the Court has a strict
6 policy not to extend the dispositive motion deadline beyond the two-year anniversary of
7 the commencement of a case. Therefore, Plaintiff(s) are encouraged to expeditiously
8 complete service and to avoid unnecessary delay so that the pretrial period may be
9 preserved for discovery and motion practice.

10 Notice is hereby given that any Defendant that has not been timely served will be
11 dismissed without prejudice from this action without further order pursuant to Rule 4(m)
12 of the Federal Rules of Civil Procedure.

13 In accordance with the above,

14 1. Plaintiff(s) must file proof of service of the summons and complaint or of
15 waiver of service with the Clerk of Court no later than **October 11, 2026**;

16 2. Plaintiff(s) must promptly serve a copy of this Order on Defendant(s) and
17 file notice of service with the Clerk of Court; and

18 3. Unless the Court orders otherwise, on **October 12, 2026**, the Clerk of
19 Court, without further notice, shall **terminate** any Defendant in this action that has not
20 been served pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

21 **Case Management Conference**

22 The Court will schedule a case management conference in accordance with Rule
23 16 of the Federal Rules of Civil Procedure once Defendant(s) have been served or have
24 appeared in the action. As will be directed in the order setting the conference, the parties
25 will be required to engage in a Rule 26(f) meeting and submit a Joint Rule 26(f) Case
26 Management Report and a Joint Proposed Rule 16 Case Management Order. Outstanding
27 motions or requests to continue the Case Management Conference will not excuse the
28 requirement to hold a Rule 26(f) meeting or submit the joint filings.

1 The Court will issue a Case Management Scheduling Order following the
2 scheduled conference. The Order will reflect the parties' input and the Court's considered
3 assessment of the time necessary to complete discovery and all pretrial submissions and
4 will set forth additional policies and procedures that will apply in this case.

5 **Artificial Intelligence ("AI") Disclosure Requirements**

6 Any party using a generative AI tool in the preparation of any document or
7 material filed in this Court shall (1) clearly disclose in the filing what AI tool was used,
8 and (2) certify that all representations and citations in the AI-assisted filing have been
9 verified for accuracy. A party's reliance on an AI tool will not excuse a failure to make a
10 reasonable inquiry under Rule 11.

11 **Rule 12 Motions**

12 Any motion made pursuant to Federal Rule of Civil Procedure 12 is discouraged if
13 the challenged defect in the pleading can be cured by filing an amended pleading. In
14 accordance with LRCiv 12.1(c), the Court therefore requires: (1) *conferral* – the movant
15 must confer with the opposing party prior to filing a motion to dismiss for failure to state
16 a claim or counterclaim pursuant to Rule 12(b)(6), or a motion for judgment on the
17 pleadings on a claim or counterclaim pursuant to Rule 12(c), to determine whether such
18 motion can be avoided; and (2) *certification* – the movant must *attach* a certificate of
19 conferral, certifying that it notified the opposing party of the issues asserted in its motion
20 (in person, by telephone, or in writing), and that the parties conferred but were unable to
21 agree that the pleading was curable in any part by a permissible amendment offered by
22 the pleading party. Any motion lacking an attached compliant certificate may be
23 summarily stricken by the Court.

24 **Amendments to the Pleadings**

25 Parties shall endeavor not to oppose motions to amend that are filed prior to any
26 Rule 16 Case Management Conference or the deadline set forth by any Rule 16 Case
27 Management Order. Any motion for leave to amend or notice of amendment must be
28 filed in accordance with Rule 15.1 of the Local Rules of Civil Procedure. Any motion or

1 notice that does not comply with the local and federal rules may be stricken by the Court.

2 **Protective Orders**

3 Although the parties may agree to designate materials or information as
4 confidential, that does not mean that the Court will order that the filings containing such
5 information be placed under seal. Any party wishing to seal a specific record or
6 document and shield it from public view must prove why the interest in secrecy
7 outweighs the presumption of public access to judicial records and documents.

8 **Corporate Statement**

9 If applicable, full compliance with Rule 7.1 of the Federal Rules of Civil
10 Procedure is required. A Corporate Disclosure Statement form is available on the [District](#)
11 [Court's Website](#).

12 **Filings**

13 All electronic filings must be filed in a PDF text searchable format in accordance
14 with LRCiv 7.1(c). A paper copy of any document filed exceeding ten (10) pages in
15 length must be submitted to chambers. Documents which are too large for stapling must
16 be submitted in a three-ring binder. Electronic copies of proposed orders must be
17 emailed in Microsoft Word[®] format to humetewa_chambers@azd.uscourts.gov.

18 **Communications with the Court**

19 All communications with the Court regarding any case must be made on the
20 record. Telephone calls regarding routine administrative matters in civil cases may be
21 directed to chambers at (602) 322-7600. No member of chambers staff will provide the
22 parties with legal advice concerning any matter.

23 Any inquiry regarding the status of any motion or other matter that has been under
24 advisement for more than one hundred and eighty (180) days must be filed in the manner
25 set forth in LRCiv 7.2(n).

26 **Noncompliance**

27 The parties are specifically admonished that failure to prosecute, to comply with
28 court orders, or to comply with the local and federal rules may result in dismissal of all or

1 part of this case, default, imposition of sanctions, or summary disposition of matters
2 pending before the Court. *See* Fed. R. Civ. P. 41; LRCiv 7.2 (“[i]f a motion does not
3 conform in all substantial respects with the requirements of [the Local Rules], or if the
4 opposing party does not serve and file the required answering memoranda... such
5 noncompliance may be deemed a consent to the denial or granting of the motion and the
6 Court may dispose of the motion summarily”).

7 **Pro Se Parties**

8 Any party appearing *pro se* is directed to become familiar with the Local Rules
9 and the Federal Rules of Civil Procedure. Such parties are advised of the free Self-
10 Service Clinic at the courthouse. For information on the free clinic and the Handbook for
11 Self-Represented Litigants, visit the Court’s internet site at: www.azd.uscourts.gov.
12 Proceed to the box entitled *Information for Those Proceeding Without an Attorney* and
13 then the link entitled *Federal Court Self-Service Clinic-Phoenix*.

14 Dated this 20th day of July, 2026.

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18 Honorable Diane J. Humetewa
United States District Judge
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