
IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

FEDERAL TRADE COMMISSION and
UTAH DIVISION OF CONSUMER
PROTECTION,

Plaintiffs,

v.

ZURIXX, LLC, a Utah limited liability
company; CARLSON DEVELOPMENT
GROUP, LLC, a Utah limited liability
company; CJ SEMINAR HOLDINGS, LLC,
a Utah limited liability company; ZURIXX
FINANCIAL, LLC, a Utah limited liability
company; CHRISTOPHER A. CANNON,
individually and as an officer of ZURIXX,
LLC; JAMES M. CARLSON, individually
and as an officer of ZURIXX, LLC; and
JEFFREY D. SPANGLER, individually and
as an officer of ZURIXX, LLC,

Defendants.

ORDER TO PROPOSE SCHEDULE

Case No. 2:19-cv-00713-DAK-EJF

Judge Dale A. Kimball

Magistrate Judge Evelyn J. Furse

To secure the just, speedy, and inexpensive determination of every action and
proceeding and fulfill the purposes of Rules 16 and 26 of the Federal Rules of Civil
Procedure,

IT IS HEREBY ORDERED:

1. Plaintiffs must propose a schedule to defendants in the form of a draft
[Attorney Planning Meeting Report](#) within seven (7) days.

2. Within twenty-one (21) days, the parties shall meet and confer and do one of the following:
 - a. File a jointly signed Attorney Planning Meeting Report and also email a stipulated [Proposed Scheduling Order](#) in word processing format to utdecf_furse@utd.uscourts.gov; or
 - b. If the parties cannot agree on a Proposed Scheduling Order, plaintiffs must file a jointly signed Attorney Planning Meeting Report detailing the nature of the parties' disputes and must also file a stipulated Motion for Initial Scheduling Conference; or
 - c. If the parties fail to agree on an Attorney Planning Meeting Report or on a stipulated Motion for Initial Scheduling Conference, plaintiffs must file a Motion for Initial Scheduling Conference, which must include a statement of plaintiffs' position as to the schedule. Any response to such a motion must be filed within seven (7) days.

3. In the absence of filing a stipulated Proposed Scheduling Order, the parties must be prepared to address the following questions, in addition to those raised by the Attorney Planning Meeting Report:
 - a. What 2-3 core factual or legal issues are most likely to be determinative of this dispute?
 - b. Who are the 1-3 most important witnesses each side needs to depose? Is there any reason these witnesses cannot be deposed promptly?

- c. What information would be most helpful in evaluating the likelihood of settlement? Is there any reason it cannot be obtained promptly?
- d. In 5 minutes or less, describe the crucial facts, primary claims, and primary defenses?
- e. Are all claims for relief necessary or are they overlapping? Can any claim for relief be eliminated to reduce discovery and expense?
- f. Are all pleaded defenses truly applicable to this case? Can any be eliminated?
- g. What could be done at the outset to narrow and target the discovery in the case?
- h. What agreements have the parties reached regarding limitations on discovery, including discovery of ESI?
- i. Is there a need to schedule follow-up status conferences?

4. Each party shall make initial disclosures within twenty-one (21) days.

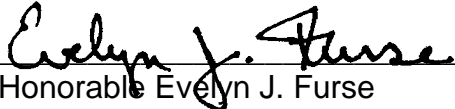
This deadline is not dependent on the filing of an Attorney Planning Meeting Report, the entry of a Scheduling Order, or the completion of an Initial Scheduling Conference.

5. The parties are urged to propose a schedule providing for:
- a. Fact discovery completion no more than six (6) months after the filing of the first answer.
 - b. Expert reports from the party with the burden of proof on that issue twenty-eight (28) days after the completion of fact discovery, and responsive reports twenty-eight (28) days thereafter.

- c. Expert discovery completion twenty-eight (28) days after filing of an expert's report.
- d. Dispositive motion filing deadline no more than ten (10) months after the filing of the first answer.

Signed this 14th day of November, 2019.

BY THE COURT:



Honorable Evelyn J. Furse
United States Magistrate Judge