

b) Service

Unless otherwise ordered by the Court, a third party plaintiff shall serve upon a third party defendant copies of all documents (other than notices of previously held depositions) which the parties have previously served upon one another and shall make all previously-conducted discovery materials available for review by the third party defendant.

**8. Dismissal for Want of Prosecution**

a) Failure to Effect Service

If a party demanding affirmative relief has not effected service of process within ~~120~~ **[90]** days of filing the pleading seeking the affirmative relief, the Court may enter an order asking the party to show cause why the claim should not be dismissed. If the party fails to show good cause within fourteen (14) days of the entry of the order or such other time as may be set by the Court, the claim shall be dismissed without prejudice.

b) Dormancy of Action for Nine Months

If no document has been filed in court in any action for more than nine (9) months, the Court may enter an order asking the parties to show cause why the case should not be dismissed. If good cause is not shown within fourteen (14) days of the entry of the show cause order or such other time as may be set by the Court, the case shall be dismissed without prejudice.

**9. Scheduling Orders**

a) Categories of Actions Generally Exempted from Fed. R. Civ. P. 16(b)

All categories of actions in which ordinarily discovery is not conducted and additional parties are not added are exempted from Fed. R. Civ. P. 16(b). These categories of actions include petitions filed under 28 U.S.C. § 2254, motions filed under 28 U.S.C. § 2255, social security appeals, bankruptcy appeals, appeals on the record from administrative agencies, motions to enforce arbitration awards, forfeiture actions, actions seeking enforcement of judgments, and mortgage or deed of trust foreclosures. In all actions in which a scheduling order is not entered under Fed. R. Civ. P. 16(b), the presiding judge will enter such orders as are necessary to assure the prompt and expeditious resolution of the litigation.

b) Actions Exempted from the Consultation Requirement of Fed. R. Civ. P. 16(b)

All actions except ones which the presiding judge notifies the parties that he or she designates to be complex, e.g., antitrust, mass tort, patent infringement, RICO and securities fraud actions in which all parties are represented by counsel, are exempted from the requirement of Fed. R. Civ. P. 16(b) that the Court consult with counsel (or unrepresented parties) or await a report from the parties under Fed. R. Civ. P. 26(f) before entering a

b) Service

Unless otherwise ordered by the Court, a third party plaintiff shall serve upon a third party defendant copies of all documents (other than notices of previously held depositions) which the parties have previously served upon one another and shall make all previously-conducted discovery materials available for review by the third party defendant.

**8. Dismissal for Want of Prosecution**

a) Failure to Effect Service

If a party demanding affirmative relief has not effected service of process within 90 days of filing the pleading seeking the affirmative relief, the Court may enter an order asking the party to show cause why the claim should not be dismissed. If the party fails to show good cause within fourteen (14) days of the entry of the order or such other time as may be set by the Court, the claim shall be dismissed without prejudice.

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