

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

JAN -6 2012

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

CHRISTA SCHULTZ and DANNY )  
SCHULTZ, both Individually and as )  
Parents and Guardians of Minor Child )  
C.S., a Minor (CORWYN SCHULTZ, )  
now an Adult and Formerly a Student )  
in the Medina Valley Independent )  
School District); and TREVOR )  
SCHULTZ, Individually, )

Plaintiffs, )

vs. )

MEDINA VALLEY INDEPENDENT )  
SCHOOL DISTRICT, )

Defendant. )

CIVIL ACTION NO. SA-11-CA-422-FB

ORDER AND ADVISORY REGARDING JANUARY 30, 2012, TRIAL SETTING

Before the Court are the approaching jury trial date of January 30, 2012, Defendant's Second Motion to Dismiss for Lack of Subject Matter Jurisdiction (docket no. 98), plaintiffs' response (docket no. 101) and defendants' reply (docket no. 102), Defendant's (Corrected) Objections to and Motion to Strike Plaintiffs' Evidence in Support of Plaintiffs' Response in Opposition to Defendant's Second Motion to Dismiss (docket no. 117), and an anticipated response by plaintiffs and reply by defendant, Defendant's (Corrected) Motion for Summary Judgment (docket no. 118), and plaintiffs'

anticipated response and defendant's reply, and the anticipated plaintiffs' motion for partial summary judgment and response and reply thereto.

On January 5, 2012, counsel for plaintiffs and defendant initiated a conference with Court staff indicating a desire to resolve the case through mediation or at least to narrow the legal issues and address what facts are not in dispute.

As the Court has noted in the past, each side thus far has achieved some success, though neither party has prevailed on every argument. (Docket nos. 18, 22, 31, 71, 76, 87). Such is the usual nature of the judicial process.

As the BCS Championship and the Super Bowl approach, one might say each side in this case is poised at their own forty yard line. If the parties were a hundred yards apart, it would make little sense to delay this matter further and thereby continue the disruption and costs to the people and institution involved. Far better to let a jury and the Court decide.

Given the extraordinarily capable counsel for the parties, the Court trusts and infers from counsels' request their confidence that a resetting of the jury trial will bear fruit in helping their clients reach resolution.

It is the Court's hope that the parties will listen to their lawyers' advice and counsel, that each side will be tolerant of the other's beliefs, that they will be reconciled

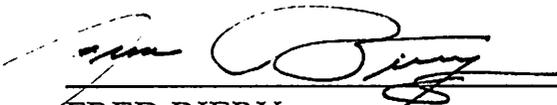
to each other<sup>1</sup> and adhere to the Platonic admonition: “Be kind, for everyone you meet is fighting a hard battle.”<sup>2</sup>

Accordingly, it is ORDERED that the jury trial setting of January 30, 2012, is CANCELLED. Related deadlines and the final pretrial conference are also Cancelled.

IT IS FURTHER ORDERED that the joint request for mediation is GRANTED. If there is no resolution, the case is reset for jury trial beginning March 5, 2012, for no longer than two weeks. Pending motions will be considered and perhaps ruled upon.

It is so ORDERED.

SIGNED this 6<sup>th</sup> day of January, 2012.



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FRED BIERY  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup>“So if you are offering your gift at the altar, and there remember that your brother has something against you, leave your gift there before the altar and go; first be reconciled to your brother, and then come and offer your gift.” *Matthew* 5:23-24.

<sup>2</sup>Plato, 427 BCE.