FILED

MAY 0 1 2012

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

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

	§	
	§	
	§	
HONORABLE KATHLEEN CARDONE	§	ALL CIVIL CASES
	§	
	§	

STANDING ORDER ON PRETRIAL DEADLINES

The following Standing Order shall control the course of any civil action commenced in this Court, except those types of cases specifically exempted from initial disclosure under Federal Rule of Civil Procedure 26 as well as the types of cases specifically exempted in Local Rule CV-16(b).

Pursuant to Local Rule CV-16(a), the parties shall submit a joint memorandum prescribed by Appendix A to this Order within sixty (60) days after the appearance of any defendant. Such appearance shall include the serving of an answer, the filing of a notice of removal, the filing of a motion to dismiss, and the transfer of an action from another judicial district. The joint memorandum shall satisfy the requirements of Federal Rule of Civil Procedure 26(f). Based upon the joint memorandum, the Court shall issue the Scheduling Order in the case as required by Federal Rule of Civil Procedure 16(b) and Local Rule CV-16.

Unless otherwise ordered by the Court, the parties shall adhere to the following deadlines in the joint memorandum:

All motions relating to joinder of parties, claims or remedies, class certification, and amendment of the pleadings shall be filed within sixty (60) days after the earlier of the serving of the answer, the filing of a notice of removal, the filing of a motion to dismiss, or the transfer of an action from another judicial district, except that a defendant may file a third-party complaint within fourteen (14) days of serving an answer, as permitted by Federal Rule of Civil Procedure 14(a).

All motions to dismiss based on the pleadings shall be filed within ninety (90) days of the earlier of the serving of the complaint, the filing of a petition for removal, or the transfer of an action from another judicial district. The filing of a motion to dismiss will not result in an automatic stay of discovery or extend the time for completing discovery.

Pursuant to Federal Rule of Civil Procedure 26(d), discovery may not commence until the parties have conferred as required by Federal Rule of Civil Procedure 26(f) and Local Rule 16, but the parties may commence formal discovery immediately after conferring without awaiting entry of the Court's Scheduling Order. Unless otherwise ordered, discovery shall be completed

within six (6) months of the Rule 26(f) Conference.

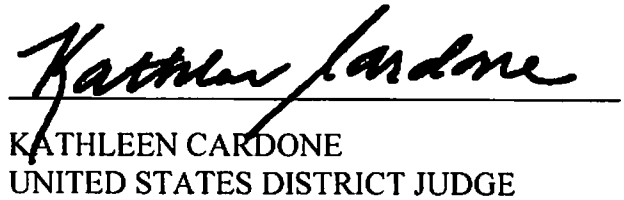
Unless otherwise ordered, all motions for summary judgment shall be filed within one month after the discovery deadline.

The parties shall endeavor to agree concerning the contents of the joint memorandum, but in the event they are unable to do so, each party shall set out its position and the reasons for the disagreement in the joint memorandum. Further, the parties may request a modification of the Court's deadlines set forth above, which the Court may grant only upon a showing of good cause. The good cause standard requires a particularized showing that the schedule to be established by this Standing Order cannot reasonably be met despite the diligence of the party seeking the extension. Unless specifically ordered by this Court, an extension of time to comply with any one of the time limits in this Order does not extend the time to comply with subsequent time limits.

The Court may schedule the case for a status conference or settlement conference at any time.

SO ORDERED.

SIGNED on this 1st day of May 2012.



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE

Appendix A

REPORT OF PARTIES' PLANNING MEETING

Caption of Case

[List all parties]

Date Complaint Filed:

Date Complaint Served:

Date of Defendant's Appearance:

Pursuant to Federal Rules of Civil Procedure 16(b), 26(f), and Local Rule 16, a conference was held on [date]. The participants were:

_____ for Plaintiff(s) [party name(s)]
_____ for Defendant(s) [party name(s)]

I. Certification

Undersigned counsel certify that, after consultation with their clients, they have discussed the nature and basis of the parties' claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case and, in consultation with their clients, have developed the following proposed case management plan. Counsel further certify that they have forwarded a copy of this report to their clients.

II. Jurisdiction

A. Subject Matter Jurisdiction

[Provide a statement of the basis for subject matter jurisdiction with appropriate statutory citations. If Plaintiff's allegation of subject matter jurisdiction is contested, specify the basis for such challenge.]

B. Personal Jurisdiction

[State whether personal jurisdiction is contested and, if it is, summarize the parties' competing positions].

III. Brief Description of Case

[Briefly summarize the claims and defenses of all parties and describe the relief sought. If agreement cannot be reached on a joint statement, each party must provide a short separate statement. The requirement that the parties briefly summarize their claims and defenses is not intended to be unduly burdensome. The parties are obliged to discuss and consider the nature of their claims and defenses at the planning conference in order to formulate a meaningful case management plan. Moreover, the presiding judge needs to be informed of the nature of the claims and defenses in order to evaluate the reasonableness of the parties' proposed plan. The statement of the parties' claims and defenses, whether set forth jointly or separately, does not preclude any party from raising new claims and defenses as permitted by other applicable law.]

A. Claims of Plaintiff(s)

B. Defenses and Claims (Counterclaims, Third Party Claims, Cross Claims) of Defendant(s)

C. Defenses and Claims of Third Party Defendant(s)

IV. Statement of Undisputed Facts

Counsel certify that they have made a good faith attempt to determine whether there are any material facts that are not in dispute. The parties state that the following material facts are undisputed

V. Case Management Plan

A. Standing Order on Pretrial Deadlines

The parties [request] [do not request] modification of the deadlines in the Standing Order on Pretrial Deadlines [as follows].

B. Scheduling Conference with the Court

The parties [request] [do not request] a pretrial conference with the Court before entry of a scheduling order pursuant to Federal Rule of Civil Procedure 16(b). The parties prefer a conference [in person] [by telephone].

C. Early Settlement Conference

1. The parties certify that they have considered the desirability of attempting to settle the

case before undertaking significant discovery or motion practice. Settlement [is likely] [is unlikely at this time] [may be enhanced by use of the following procedure].

D. Joinder of Parties and Amendment of Pleadings

1. Plaintiff(s) should be allowed until [date] to file motions to join additional parties and until [date] to file motions to amend the pleadings.

2. Defendant(s) should be allowed until [date] to file motions to join additional parties and until [date] to file a response to any amended complaint.

E. Discovery

1. The parties anticipate that discovery will be needed on the following subjects: [list each of the principal issues of fact on which discovery will be needed; a statement that "discovery will be needed on liability and damages" is insufficient].

2. All discovery, including depositions of expert witnesses pursuant to Federal Rule of Civil Procedure 26(b)(4), will be commenced by [date] and completed (not propounded) by [date].

3. Discovery [will] [will not] be conducted in phases.

4. Discovery on will be completed by [date].

5. The parties anticipate that Plaintiff(s) will require a total of ____ depositions of fact witnesses and that Defendant(s) will require a total of ____ depositions of fact witnesses. The depositions will commence by [date] and be completed by [date].

6. The parties [will] [will not] request permission to serve more than 25 interrogatories.

7. Plaintiff(s) [intend] [do not intend] to call expert witnesses at trial. Plaintiff(s) will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Federal Rule of Civil Procedure 26(a)(2) by [a date not later than 3 months before the deadline for completing all discovery]. Depositions of any such experts will be completed by [a date not later than 2 months before the deadline for completing all discovery].

8. Defendant(s) [intend] [do not intend] to call expert witnesses at trial. Defendant(s) will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Federal Rule of Civil Procedure 26(a)(2) by [a date not later than 1 month before the deadline for completing all discovery]. Depositions of such experts will

be completed by [a date not later than the discovery cutoff date].

9. A damages analysis will be provided by any party who has a claim or counterclaim for damages by [date].

F. Dispositive Motions:

Dispositive motions will be filed on or before [date].

VI. Trial Readiness

The case will be ready for trial by [date].

As officers of the Court, undersigned counsel agree to cooperate with each other and the Court to promote the just, speedy, and efficient determination of this action.

Plaintiff(s)
By _____ Date:

Defendant(s)
By _____ Date:

The undersigned pro se parties certify that they will cooperate with all other parties, counsel of record and the Court to promote the just, speedy, and, efficient determination of this action.

Plaintiff(s) _____ Date:

Defendant(s) _____ Date: