

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

<p><i>Plaintiff</i></p> <p>v.</p> <p><i>Defendant</i></p>	§ § § § § § §	Civil Action No.
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SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. The parties shall complete ADR in compliance with Local Rule CV-88 by _____. A motion objecting to ADR must be filed not later than 60 days before that deadline.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by _____, and each opposing party shall respond in writing by _____. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are **ORDERED** to retain the written offers of settlement and responses, as the Court may use these in assessing attorneys' fees and court costs at the conclusion of trial.

3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by _____.

4. All parties asserting claims for relief shall **FILE** their designation of testifying experts and serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by

_____. Parties resisting claims for relief shall **FILE** their designation of testifying experts and serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by _____. All designations of rebuttal experts shall be **FILED**, and the materials required by Fed. R. Civ. P. 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be **SERVED**, within fourteen (14) days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within fourteen (14) days of receipt of the written report of the expert's proposed testimony, or within fourteen (14) days of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before _____. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed not later than _____.

The parties shall not complete the following paragraph. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court.

8. This case is set for final pretrial conference on _____ **at 10 a.m.** and set for jury trial on _____ **at 9 a.m.**

9. The parties should consult Local Rule CV-16 regarding matters to be filed in advance of trial. The parties, however, are exempted from that portion of Local Rule CV-16 requiring that

seven days prior to trial they file “a list disclosing any objections, together with the grounds therefore, that may be made to the admissibility of any exhibits.” In lieu of that requirement, the Court **ORDERS** that, after receiving the information required by Local Rule CV-16, the parties confer with each other to discuss, and resolve if possible, any objections they may have to each other’s (1) designated deposition testimony, (2) exhibits, and (3) motions in limine. The Court further **ORDERS** that the parties be prepared to inform the Court at the final pretrial conference of the deposition testimony, exhibits, and motions in limine to which there is no objection, and those to which objections remain for resolution by the Court. The Court will determine at the pretrial conference whether to address at that time any evidentiary issues which may remain, or to reserve those matters for the trial.

10. For jury trials, the parties are **ORDERED** to meet and confer and submit a joint proposed set of jury instructions. Any jury instructions to which both parties do not agree must be submitted separately, with appropriate citations to law supporting those instructions. Joint jury instructions shall be submitted in complete format as they would appear when submitted to the jury.

By filing an agreed motion, the parties may request that this Court extend any deadlines set in this Order, with the exception of the dispositive motion deadline and the final pretrial conference and trial dates. The Court may impose sanctions under Federal Rule of Civil Procedure 16(f) if the parties do not make timely submissions under this Order.

SIGNED _____

SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE