

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

No. 1:00-cv-00000

XXXX,
Plaintiff,
v.
XXXXX,
Defendant.

SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16(b) and the Local Rules of this Court (except as modified herein), the Court enters the following schedule. Unless otherwise directed, the parties must observe the Federal Rules of Civil Procedure and this District's Local Rules.

The parties generally may agree to extend discovery deadlines, including the close of discovery, provided that the extension does not affect any subsequent deadlines and the parties notify the Court in writing. The Court retains the right to reject an agreed extension of a discovery deadline. Extensions of non-discovery deadlines and continuances of proceedings will not be granted, even upon joint motion, absent a showing of actual diligence and extraordinary cause.

If referred, the Magistrate Judge has the authority to adjust the scheduling order dates.

1.	[30 days following the initial pre-trial conference]	Motions to add new parties and motions for leave to amend pleadings. The party causing the addition of a new party must provide copies of this
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		Order and all previously entered Orders to the new party. This deadline does not modify the requirements of the Federal Rules of Civil Procedure regarding leave of court to amend pleadings and court action to join parties. <i>See, e.g.</i>, Fed. R. Civ. P. 15(a), 21.
2a.	[+180 days]	Experts (other than attorney’s fees).¹ The party with the burden of proof on an issue must file their designation of testifying experts and serve on all parties, but not file, the required report under Rule 26(a)(2).
2b.	[+30 days]	The opposing party must file their designation of testifying experts and serve on all parties, but not file, the required report under Rule 26(a)(2). Rebuttal experts. Consistent with Rule 26(a)(2)(D)(ii), a party must designate any rebuttal expert—one whose testimony is intended solely to contradict or rebut opinions disclosed by another party under Rule 26(a)(2)—within 30 days after service

¹ Attorney’s-fees experts are not subject to the expert-designation deadlines in this Order. Any claim for attorney’s fees shall be presented after entry of final judgment by motion under Rule 54(d)(2), supported by affidavit.

		of the disclosure being rebutted. The party must file the designation and serve, but not file, the required report.
3.	[+60 days]	Completion of Discovery. The parties shall complete all discovery, including expert discovery, by this date. Discovery requests are not timely if the deadline for response under the Federal Rules of Civil Procedure falls after this date.
4.	[+21 days]	Mediation or settlement conference. By this date, but after the close of discovery, the parties and their respective lead counsel shall either attend mediation or hold a face-to-face meeting to discuss settlement. Individual parties and their counsel shall participate in person—not virtually. All other parties shall participate by both (1) counsel and (2) a representative or representatives who has settlement authority and who must participate in person. If a party has liability-insurance coverage as to any claim made against a party in this case, a representative of each insurance company providing such coverage, who shall have full authority to offer policy limits in settlement, shall be present at and participate in person.

		Within 7 days of the mediation or joint settlement conference, the parties must jointly prepare and file a written report, which must be signed by counsel for each party, detailing the date on which the mediation or settlement conference was held, the persons present (including the capacity of any representative), a statement regarding whether meaningful progress toward settlement was made, and a statement regarding the prospects of settlement.
5.	[+21 days]	Dispositive and nondispositive motions. No party may file any motion, except for a motion <i>in limine</i>, after this date without a showing of good cause. To the extent that parties anticipate seeking extensions of time to file a response or reply brief to a motion, the Court encourages the parties to submit an agreed briefing schedule rather than separate or <i>seriatim</i> extension requests. Motions to submit overlength briefs are disfavored. If no party files a dispositive motion, the parties must jointly file a notice informing the Court that no such motions will be filed, so that the Court may schedule the matter for trial.

6.	As later set by the Court.	Joint Pretrial Order and Motions <i>in Limine</i>. The parties must jointly file a Final Pretrial Order containing the information required by Local Rule CV-16(e), plus the following: • <i>Witness narratives and classification.</i> For each witness identified under CV-16(e)(5), include (i) a brief narrative summary of expected testimony, (ii) a statement whether the witness has been deposed, and (iii) a designation as “probable,” “possible,” “expert,” or “record custodian.” A copy of the consolidated witness list shall be furnished to the court reporter before trial. • <i>Joint annotated jury charge.</i> The proposed jury instructions and verdict form required by CV-16(e)(7) shall be submitted jointly, in Word format, annotated, with each disputed instruction identifying the proposing party and accompanied by citations to pattern instructions or controlling authority. • <i>Deposition designations limited to unavailable witnesses.</i> The deposition designations required by
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		CV-16(e)(6) shall be made only for witnesses qualifying as “unavailable” under Federal Rule of Civil Procedure 32(a)(4). The party offering the designation shall brief the basis for unavailability. Live witnesses shall not be presented by deposition. • <i>Trial briefs</i> may be filed but are not required unless requested by the Court. The parties must file any motions <i>in limine</i>. • Motions <i>in limine</i> should not be filed as a matter of course. Any motions should include an overview of the relevant factual background and citations to applicable law. • The parties are ordered to meet and confer to resolve any disputes before filing any motion <i>in limine</i>. Any motion <i>in limine</i> must certify that the parties have satisfied this requirement. • Any response to a motion <i>in limine</i> must be filed within 7 days of the day the motion is filed. Replies to responses are not permitted except by leave of court.
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7.	As later set by the Court.	Pretrial Conference. The Court will set this case for a final pretrial conference at a later time. The final pretrial conference shall be attended in person by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties.
8.	As later set by the Court.	Jury Selection and Trial. Jury selection may be conducted by a Magistrate Judge and may occur the Friday before the case is set for trial.

So ordered by the Court on [Month Day, Year].

ANDREW DAVIS
United States District Judge

