

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**Plaintiff,**

**V.**

**Defendant.**

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**A- -CV- -AWA**

**SCHEDULING ORDER**

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

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before \_\_\_\_\_.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before \_\_\_\_\_, and each opposing party shall respond in writing on or before \_\_\_\_\_. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further **ORDERED** to retain the written offers of settlement and responses as the Court may use these in assessing attorney's 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) on or before \_\_\_\_\_. 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) on or before \_\_\_\_\_. 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 fifteen (15) 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 twenty (20) days of receipt of the written report of the expert's proposed testimony, or within twenty (20) 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 no later than \_\_\_\_\_. Dispositive motions filed pursuant to FED. R. CIV. P. 56, and responses to such motions, shall be limited to 20 pages in length. All other dispositive motions and responses shall be limited as set forth in Local Rule CV-7(c) & (d).

8. This case is set for pretrial conference on [the Thursday before trial], at **10:00 a.m.** and set for jury trial on \_\_\_\_\_, at **9:00 a.m.** The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

9. The parties, however, are exempted from that portion of Local Rule CV-16(e) requiring that three 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 final exhibit list called for by Local Rule CV-16(e)(4), the parties confer with each other to discuss, and resolve if possible, any objections they may have to each other’s exhibits. The Court further **ORDERS** that the parties be prepared to inform the Court at the pretrial conference of the exhibits to which there is no objection, and the exhibits 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. In addition, the parties are exempted from Local Rule CV-16(e)(1), requiring the submission of questions for prospective jurors. The Court will conduct the preliminary, “generic” portion of the voir dire, but will permit each side a limited opportunity to ask their own questions.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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ANDREW W. AUSTIN  
UNITED STATES MAGISTRATE JUDGE