

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

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|------------------|---|---------------|
| <i>Plaintiff</i> | § | |
| | § | |
| | § | |
| v. | § | No. 1: |
| | § | |
| | § | |
| <i>Defendant</i> | § | |

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 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. 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) 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 14 days of receipt of the report of the opposing expert.

4. 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 14 days of receipt of the written report of the expert's proposed testimony, or within 14 days of the expert's deposition, if a deposition is taken, whichever is later.

5. 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.

6. All dispositive motions shall be filed no 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.

7. This case is set for pretrial conference on _____, at _____ and set for jury trial on _____, at _____. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

8. 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 final exhibit list, 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 final 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 final pretrial conference whether to address at that time any evidentiary issues which may remain, or to reserve those matters for the trial.

SIGNED

DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE