

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

FILED
2003 SEP 29 PM 3:17

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STANDING ORDER FOR
EL PASO DIVISION RE
NOTICE OF RELATED
CASE(S)

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ALL CIVIL CASES

ORDER RELATING TO REASSIGNMENT
OF CIVIL CASES

Notice of Related Case

(a) **Requirement to File Notice.** Whenever a party knows or learns that an action, filed in or removed to this division is (or the party believes that the action may be) related to an action which is or was pending in this division as defined in paragraph (b) herein, the party must promptly file with the Court a Notice of Related Case. The notice must contain the case number of each apparently related action. Duplicate originals of the notice must be filed in each listed action. The filing party must serve a copy of the notice on all known parties to each identified case.

(b) **Definition of Related Case.** Any action is related to another when:

- (1) it relates to property included in that case; or
- (2) it involves substantially the same issue(s) of fact or grows out of the same transaction(s) as that case; or
- (3) it involves the validity or infringement of a patent already in suit in that case; or
- (4) both were brought as class actions and involve substantially the same issues of law and one or more of the classes in the later numbered suit is the same as those in the earlier numbered suit.

(c) **Content of Notice.** A Notice of Related Case must contain:

- (1) The title and case number of each related case;
- (2) A brief statement of the relationship of the actions according to the criteria set forth in paragraph (b) herein; and
- (3) A statement addressing whether assignment to a single Judge is or is not likely to conserve judicial resources and promote an efficient determination of the action(s).

(d) **Response to Notice.** No later than 10 days after service of a Notice of Related Case, any party may serve and file with the Court a statement supporting or opposing the notice. Such statement must be served on all known parties in each identified case and must specifically address the issues in paragraphs (b) and (c) herein.

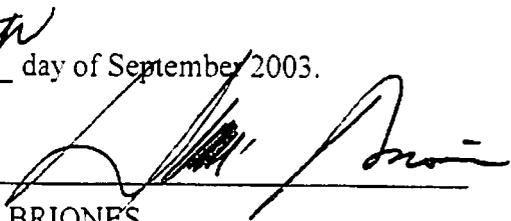
(e) **Related Case Order.** After the time for filing support or opposition to the Notice of Related Case has passed, the Clerk shall submit a copy of the notice and related responses to the Judge in this division who is assigned to the earliest-filed case. That Judge will decide if the cases are or are not related and will notify the Clerk of his or her decision, who, in turn, will notify the parties.

(1) If that Judge decides that the cases are not related, no change in case assignment will be made.

(2) If that Judge decides that the cases are related, said related cases shall be assigned pursuant to the Amended Plan for Random and Direct Assignment of Cases in Multi-Judge Divisions (Plan A (Amended)).

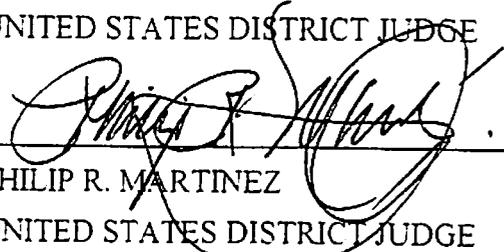
SO ORDERED.

SIGNED and ENTERED this 29th day of September 2003.



DAVID BRIONES

UNITED STATES DISTRICT JUDGE



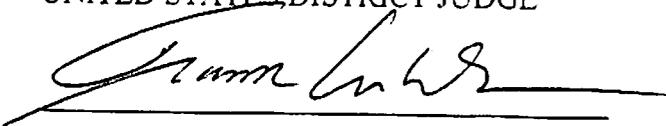
PHILIP R. MARTINEZ

UNITED STATES DISTRICT JUDGE



KATHLEEN CARDONE

UNITED STATES DISTRICT JUDGE



FRANK MONTALVO

UNITED STATES DISTRICT JUDGE