

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**STANDING ORDER MC-16(C) PRETRIAL CONFERENCES; SCHEDULING;  
MANAGEMENT**

The following standing order is hereby ADOPTED:

**STANDING ORDER MC-16(C) PRETRIAL CONFERENCES; SCHEDULING;  
MANAGEMENT**

**(a) PRETRIAL CONFERENCES AND SCHEDULING ORDERS**

- (1) Refer to Local Rule CV-16. Attached is a form scheduling order used by the court. **The court's scheduling order supplants the scheduling order contained in Appendix L of the Local Rules.** The parties should attempt to agree on deadlines for completion of pretrial matters and submit a proposed scheduling order with their joint conference report. After receiving the joint conference report, the court will convene an in-chambers status conference and/or enter a scheduling order.
- (2) If new parties are joined subsequent to the mailing of the order, the party causing such joinder shall provide copies of all orders previously entered in the case, along with the scheduling order, to the new parties.
- (3) At every pretrial conference, counsel must be prepared to address all pending and anticipated motions, jurisdictional and procedural matters, narrowing of substantive issues, and stipulations of fact. The court uses pretrial conferences to narrow issues and set cases for a prompt trial.

**(b) REQUIRED PRETRIAL MATERIALS IN CIVIL CASES**

**(1) Joint Pretrial Order**

**The court's joint pretrial order supplants the joint pretrial order contained in Appendix D of the Local Rules.**

The joint pretrial order, including motions in limine and a proposed charge and interrogatories or proposed findings of fact and conclusions of law, shall be filed on or before the date set forth in the scheduling order. The parties shall exchange proposed exhibits on or before the date the joint pretrial order is due. Within one week after the filing of the joint pretrial order, any objections to the proposed exhibits, witnesses, and charge shall be filed, as directed in the scheduling order.

Counsel must confer concerning the contents of the joint pretrial order well in advance of the due date. Plaintiff's counsel shall ensure that the joint pretrial order is timely filed. A form joint pretrial order is attached and may be adapted within reason to the size and type of case. Joint pretrial orders must be signed by all counsel.

If, for some reason, the plaintiff fails to file the joint pretrial order, then the defendant is responsible for filing the defendant's portion of a proposed pretrial order. All parties are responsible for complying with the requirements of the joint pretrial order.

Failure to appear and/or timely file the joint pretrial order will subject counsel and his or her client to sanctions, including dismissal for want of prosecution and/or other appropriate judgment.

**ON THE DAY OF FILING, TWO (2) COURTESY COPIES OF THE JOINT PRETRIAL ORDER AND ATTACHMENTS, BOUND IN LOOSELEAF THREE-RING NOTEBOOKS WITH DIVIDERS, ARE TO BE DELIVERED TO CHAMBERS.**

**(2) Required Documents**

**(A) For Jury Trials**

- (i) Agreed charge including proposed jury instructions (aside from usual prefatory or boilerplate instructions), definitions, and interrogatories submitted on a CD-ROM formatted for WordPerfect. Each requested instruction and definition should be simple, concise, and tied to the appropriate interrogatory, which must be numbered. Include citation of authority for each proposed instruction in the charge. Place any requested definitions and instructions under the proposed interrogatory to which it pertains. Counsel may request a sample charge format from the court administrator. Counsel shall submit two (2) versions: one marked "requested" for filing and one marked "charge and interrogatories" for submission to the jury during deliberations. Omit citations from the jury's copy. Add a line for the foreperson's signature and date;
- (ii) The court expects the parties to resolve their differences as to these matters. If the parties cannot agree on a particular instruction or issue, however, such disagreement and alternate requests must be submitted on separate pages and will be resolved at the final pretrial conference or at a charge conference;

- (iii) Memoranda of law on disputed issues of law;
- (iv) Motions in limine.

**(B) For Non-Jury Trials**

- (i) Proposed findings of fact and conclusions of law submitted on a CD-ROM formatted for WordPerfect. Findings and conclusions must be in a form suitable for ruling from the bench after closing arguments;
- (ii) Memoranda of law on disputed issues of law;
- (iii) Post-trial briefs should be limited to specific issues requested by the court during or after trial.

**(C) For Hearings**

- (i) Exhibit lists and objections;
- (ii) Witness lists and objections;
- (iii) Deposition designations and objections.

**(3) Exhibits**

- (A) Counsel for each party shall assemble all documents, photographs, or other materials expected to be used at trial. Such documents or copies must be made available to opposing counsel on or before the date the joint pretrial order is due. The court encourages counsel to agree upon joint exhibits to avoid duplication. If joint exhibits are agreed upon, they must each be marked with the case name, case number, and exhibit number. If no agreement can be reached, the offering party shall mark his or her own exhibits with the party's name, case number, and exhibit number on each exhibit to be offered.
- (B) Counsel requiring authentication of an exhibit must notify offering counsel in writing within three (3) business days after the exhibit is made available for examination. Failure to do so is an admission of authenticity.
- (C) Counsel shall attach to the joint pretrial order two (2) copies of the list of all exhibits to be offered on a form substantially similar to that attached and shall submit to the court administrator prior to the final pretrial conference a final revised list of exhibits to be offered.

- (D) **The court will admit all exhibits listed in the joint pretrial order into evidence at the final pretrial conference unless opposing counsel files written objections supported by authority within one week after the joint pretrial order is filed.** Objections to proposed exhibits, witnesses, and deposition excerpts, as well as responses to motions in limine, shall be filed by the date set forth in the scheduling order.
- (E) The court will rule on objections to the exhibits at the final pretrial conference.
- (F) Two (2) courtesy copies of the exhibits shall be assembled in looseleaf three-ring notebooks with a numbered sticker on each document for use by the court. Such number shall also appear on a tab extending beyond the right side of the notebook. Each notebook shall be labeled on the outside cover with the name of the offering party, the case style, and the case number. Each notebook shall not exceed three (3) inches in depth. Unless joint exhibits are used, the notebooks of each party must be of a different color. The parties shall confer on notebook colors prior to submission.

**THESE NOTEBOOKS SHALL BE DELIVERED TO CHAMBERS ALONG WITH THE COURTESY COPIES OF THE JOINT PRETRIAL ORDER.**

- (G) **Counsel shall prepare exhibit notebooks in the form described above for each member of the jury and an additional set for use on the witness stand.** Each party must use a different color binder to enable the jurors to differentiate quickly between the parties' exhibit notebooks. All admitted exhibits will go to the jury during deliberations.

**(4) Witnesses**

- (A) Counsel shall submit as part of the joint pretrial order two (2) copies of the party's witness list, listing the witnesses in the order in which they will be called and stating the estimated time for examination, on a form substantially similar to that attached. In a lengthy trial involving numerous witnesses, a special scheduling order setting forth time limits for each aspect of the trial may be issued.
- (B) Any objections to a witness's proposed testimony will be ruled upon at the final pretrial conference if not already determined.

- (C) Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.
- (D) Counsel shall keep in mind the court's hours and schedule witnesses accordingly. The court will not recess to permit counsel to call a missing witness unless he or she has been subpoenaed and has failed to appear.

**(5) Use of Depositions**

- (A) With respect to all deposition testimony to be offered in evidence, counsel shall review the deposition and agree to excise all irrelevant and repetitive testimony and all colloquy between counsel. Counsel shall exchange their designated testimony and attempt to resolve all objections prior to the final pretrial conference. Objections to any portion of the deposition shall be filed on the date set forth in the scheduling order, and the court will rule on the objections at the final pretrial conference.
- (B) In a bench trial, when deposition testimony is permissible, counsel shall offer the entire deposition as a trial exhibit and read only the most relevant deposition testimony into the record. In addition, counsel shall attach to the front of the deposition exhibit a summary of what each party intends to prove by such testimony. If portions of the deposition are to be offered, counsel shall attach to the front of the deposition exhibit the designated portions of such testimony to be read by the court, citing page and line numbers. **TWO (2) COURTESY COPIES OF THE DEPOSITIONS SO MARKED SHALL BE DELIVERED TO CHAMBERS PRIOR TO THE FINAL PRETRIAL CONFERENCE.**
- (C) Under certain circumstances, the court may accept the parties' agreement to use a deposition at trial even though the witness is available, but counsel shall request leave of court to do so at the time of filing of the joint pretrial order; otherwise, follow FED. R. CIV. P. 32.
- (D) **Before trial, counsel must provide the court administrator with two copies of any deposition to be used at trial with the relevant portions highlighted.**
- (E) Use of videotaped depositions is permitted if they are edited to remove sidebar remarks and testimony to which objections are sustained.

This order applies to all pending cases and to those filed on or after the date of this order.

SIGNED at Beaumont, Texas, this 17th day of December, 2008.

*Marcia A. Crone*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT \* \* \* \* \* EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

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*versus*  
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CIVIL ACTION NO. 1:0\_-CV-\_\_\_\_

**SCHEDULING ORDER**

The following schedule shall be followed. All communications concerning the case shall be directed in writing to Patricia Leger, Court Administrator for Judge Crone, P.O. Box 1470, Beaumont, TX 77704. For urgent matters, Ms. Leger may be contacted at (409) 654-2880.

1. \_\_\_\_\_ NEW PARTIES shall be joined, without leave of court, by this date.
2. \_\_\_\_\_ The pleadings shall be AMENDED, without leave of court, by this date.
3. \_\_\_\_\_ PLAINTIFF shall designate EXPERT WITNESSES in writing and provide expert reports by this date.
4. \_\_\_\_\_ DEFENDANT shall designate EXPERT WITNESSES in writing and provide expert reports by this date.
5. \_\_\_\_\_ DISCOVERY shall be completed by this date.
6. \_\_\_\_\_ MOTION CUT-OFF. Aside from motions in limine, no motion, including motions to exclude or limit expert testimony, shall be filed after this date except for good cause shown. Without leave of court, a party may file only one summary judgment motion. (This date must be at least 2 weeks after the discovery completion date.)
7. \_\_\_\_\_ The JOINT PRETRIAL ORDER, including motions in limine and a proposed charge or proposed findings of fact and conclusions of law, shall be filed and proposed trial exhibits shall be exchanged on or before this date. (This date must be at least 12 weeks after the motion cut-off.)
8. \_\_\_\_\_ OBJECTIONS TO proposed exhibits, witnesses, and deposition excerpts, as well as responses to motions in limine, shall be filed by this date. (This date must be no more than 1 week after the Joint Pretrial Order is due.)
9. \_\_\_\_\_ DOCKET CALL at 10:00 a.m. (Select a date from the attached list, which must be at least 2 weeks after the Joint Pretrial Order is due.) The case will be set for Final Pretrial Conference and Trial at the docket call. The parties should be prepared to try the case on the date of the docket call.
10. \_\_\_\_\_ Estimated time to try before a jury/the court. (Underline one.)

SIGNED at Beaumont, Texas, on \_\_\_\_\_, 200\_.

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE

**Docket Call Dates for Judge Marcia A. Crone**

(Select one of the dates listed below to complete Number 9 of the Scheduling Order)

January 9, 2009	July 2, 2010
February 6, 2009	August 6, 2010
March 6, 2009	September 3, 2010
April 3, 2009	October 1, 2010
May 1, 2009	November 5, 2010
June 5, 2009	December 3, 2010
July 10, 2009	January 7, 2011
August 7, 2009	February 4, 2011
September 4, 2009	March 4, 2011
October 2, 2009	April 8, 2011
November 6, 2009	May 6, 2011
December 4, 2009	June 3, 2011
January 8, 2010	July 8, 2011
February 5, 2010	August 5, 2011
March 5, 2010	September 9, 2011
April 2, 2010	October 7, 2011
May 7, 2010	November 4, 2011
June 4, 2010	December 9, 2011

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CIVIL ACTION NO. \_\_\_\_\_

**JOINT PRETRIAL ORDER**

**Appearance of Counsel**

List the parties, their respective counsel, and the addresses and telephone numbers of counsel in separate paragraphs.

**Statement of the Case**

Give a brief statement of the case for the information of the court and/or jury, which the court may read to the jury panel to ascertain whether any panelists are acquainted with the facts or parties involved in the case. Include names, dates, and places.

**Jurisdiction**

Briefly set out why the court has full and complete jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state the problem.

**Motions**

List any pending motions.

**Contentions of the Parties**

State concisely in separate paragraphs what each party claims.

**Admissions of Fact**

List all facts that require no proof.

**Contested Issues of Fact**

List all facts in controversy necessary to the final disposition of the case.

### **Agreed Applicable Propositions of Law**

State the legal principles governing this case that are not in dispute.

### **Contested Issues of Law**

State briefly the disputed issues of law. **MEMORANDA OF AUTHORITIES MUST BE FILED TO ADDRESS EACH OF THE ISSUES THAT AFFECT THE CASE.**

### **Exhibits**

Each counsel shall attach to the joint pretrial order two (2) copies of a list on a form substantially similar to that attached of all exhibits expected to be offered. Counsel shall make the exhibits available for examination by opposing counsel on or before the date the joint pretrial order is due. This rule does not apply to rebuttal exhibits or those the use of which cannot be anticipated.

All counsel requiring authentication of an exhibit must notify the offering counsel in writing within three (3) business days after the exhibit is made available. Failure to object in writing concedes authenticity.

The court will admit into evidence all exhibits listed in the final pretrial order unless opposing counsel files written objections with authorities by the date set forth in the scheduling order. The filing should include copies of the disputed exhibit and relevant authority.

The offering party shall mark his or her own exhibits before trial to include the party's name, case number, and exhibit number on each exhibit, unless joint exhibits are to be used and marked accordingly. If an exhibit has multiple pages, each page must be numbered consecutively.

### **Witnesses**

Each counsel shall attach two (2) copies of a list in a form substantially similar to that attached setting forth the names and addresses of each witness who will or may be called at trial in the order of their appearance, including a brief statement of the subject matter and substance of their testimony, as well as the estimated time for their examination. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. Objections to those portions (citing pages and lines) with supporting authority shall be filed by the date set forth in the scheduling order.

Counsel shall submit a written summary of the qualifications of each expert witness. The court expects the attorneys to prove their witnesses' expertise through examination.

Include in this section the following statement:

“In the event there are any other witnesses to be called at the trial, their names, addresses, and the subject matter of their testimony shall be reported to opposing counsel as soon as they are known. This restriction shall not apply to rebuttal or impeachment witnesses, the necessity of whose testimony cannot reasonably be anticipated before the time of trial.”

## Settlement

Include a statement as to the status of settlement negotiations, and, if applicable, that all settlement efforts have been exhausted. State the current settlement demand and offer and whether the case can reasonably be expected to settle.

## Trial

Include in this paragraph the following:

- (a) Whether trial will be jury or non-jury;
- (b) Probable length of trial;
- (c) Availability of witnesses;
- (d) Any foreseeable logistical problems.

## Additional Required Attachments

**For jury trials, include the following IN DUPLICATE, WITH ONE CD-ROM IN WORDPERFECT FORMAT CONTAINING THE CHARGE AND INTERROGATORIES, TO BE DELIVERED TO CHAMBERS:**

- (a) Proposed questions for the voir dire examination;
- (b) Agreed charge, including proposed jury instructions, definitions, interrogatories, and authority;
- (c) **Memoranda of law on disputed issues of law;**
- (d) **Motions in limine.**

**For non-jury trials, include the following IN DUPLICATE, WITH ONE CD-ROM IN WORDPERFECT FORMAT CONTAINING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, TO BE DELIVERED TO CHAMBERS:**

- (a) Proposed findings of fact and conclusions of law separating those agreed from those in dispute. The conclusions of law must include citation of authority.
- (b) **Memoranda of law on disputed issues of law.**

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Date

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE

APPROVED:

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Counsel for Plaintiff(s)

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Date

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Counsel for Defendant(s)

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Date







