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

STANDING ORDER MC-16 PRETRIAL CONFERENCES; SCHEDULING ORDERS; JOINT PRETRIAL ORDERS; REQUIRED PRETRIAL MATERIALS IN CIVIL CASES

The following standing order is ADOPTED:

(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 **the** 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 enter a scheduling order.

(2) If new parties are joined subsequent to the entry of the order, the party causing such joinder must 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 discuss all pending and anticipated motions, jurisdictional and procedural matters, 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

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

(B) <u>The joint pretrial order, including all required attachments, must be filed on or before the date set forth in the scheduling order</u>. Within one week after the filing of the joint pretrial order, any objections to the proposed exhibits, witnesses, or jury charge must be filed, as directed in the scheduling order.

(C) Counsel must confer concerning the contents of the joint pretrial order well in advance of the due date. Plaintiff's counsel must ensure that the joint pretrial order is timely filed.

(D) 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.

(E) The joint pretrial order must be double-spaced and in 12 point font.

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

(G) 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.

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

(2) Required Attachments to the Joint Pretrial Order

(A) Exhibit List and Exhibits

(i) 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. This rule does not apply to rebuttal exhibits or those the use of which cannot be anticipated. The court encourages counsel to agree upon joint exhibits to avoid duplication.

(ii) If joint exhibits are agreed upon, they must each be identified as such and marked with the case name, case number, and exhibit number. If no agreement can be reached, the offering party must mark his or her own exhibits with the party's name, case number, and exhibit number on each exhibit to be offered.

(iii) The pages within each exhibit must be consecutively paginated.

(iv) 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.

(v) Counsel must attach the list(s) of all exhibits to be offered to the joint pretrial order. The list(s) must be formatted identically to the draft exhibit list form attached to this order. Counsel must submit a final revised list of exhibits to the court administrator prior to the final pretrial conference.

(vi) Four (4) courtesy copies of the exhibits themselves must also be delivered to the court on the date the joint pretrial order is due. The copies of the exhibits must be assembled in looseleaf three-ring notebooks with a numbered sticker on each document for use by the court. Such number must also appear on a tab extending beyond the right side of the notebook. Each notebook must be labeled on the outside cover with the name of the offering party, the case style, and the case number. Each notebook must not exceed three (3) inches in depth. Unless joint exhibits are used, the notebooks of each party must be of a different color.

(vii) 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 by the date set forth in the scheduling order. The court will rule on objections to the exhibits at the final pretrial conference.

(viii) All admitted exhibits will go to the jury during deliberations.

(B) Witness Lists

(i) Counsel must attach to the joint pretrial order copies of each 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 identical to that attached. Please note that a witness's current city of residence must be provided; "care of" addresses, law firm addresses, or P.O. box addresses alone are insufficient. In a lengthy trial involving numerous witnesses, a special scheduling order setting forth time limits for each aspect of the trial will be issued.

(ii) Within one week after the filing of the joint pretrial order, any objections to the proposed witnesses must be filed as directed in the scheduling order.

(iii) Any objections to a witness's proposed testimony will be ruled upon at the final pretrial conference if not already determined.

(iv) Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.

(v) 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.

(vi) 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 must be filed by the date specified in the scheduling order.

(3) Additional Attachments Required For Jury Trials

(A) Agreed Jury Charge

(i) Two (2) versions of an agreed jury charge, including proposed jury instructions, definitions, and interrogatories, must be attached to the joint pretrial order and filed.

(ii) One version must be marked "requested" and must include citation of authority for each proposed instruction in the charge.

(iii) The other version must be marked "charge and interrogatories," and counsel must omit from it all citations and authorities while adding a line for the jury foreperson's initials and date.

(iv) Each requested instruction and definition should be simple and concise. Interrogatories must be numbered.

(v) In addition to the versions of the jury charge that must be attached to the joint pretrial order and filed, counsel must submit an editable, digital version of the jury charge to the court via e-mail.

(vi) The court expects the parties to resolve their differences concerning the jury charge. 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.

(vii) Within one week after the filing of the joint pretrial order, any objections to the proposed jury charge must be filed as directed in the scheduling order.

(B) Proposed Questions for Voir Dire Examination

(i) A copy of each party's proposed questions for the judge to use in voir dire examination must be attached to the joint pretrial order.

(C) Memoranda of Law on Disputed Issues of Law

(i) If the parties dispute any issues of law, each party must attach to the joint pretrial order a memorandum addressing those issues.

(D) Motions in Limine

(4) Additional Documents Required For Non-Jury Trials

(A) Proposed findings of fact and conclusions of law, which must be in a form suitable for ruling from the bench after closing arguments. Counsel must separate agreed findings and conclusions from those that are in dispute. Conclusions of law must cite supporting authority;

(B) Memoranda of law on disputed issues of law; and

(C) Post-trial briefs, which should be limited to specific issues requested by the court during or after trial.

(5) Documents Required For Hearings

(A) Exhibit lists and objections;

(B) Witness lists and objections; and

(C) Deposition designations and objections.

(6) Copies of Deposition Testimony to Be Offered in Evidence

(A) With respect to all deposition testimony to be offered in evidence, counsel must 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 must 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.

(C) **TWO (2) COURTESY COPIES OF THE MARKED DEPOSITIONS MUST BE DELIVERED TO CHAMBERS PRIOR TO THE FINAL PRETRIAL CONFERENCE**.

(D) 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.

(E) Use of video recorded 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 10th day of July, 2013.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

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

_____	§	
	§	
versus	§	CIVIL ACTION NO. 1:___-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, 300 Willow Street, Suite 239, Beaumont, TX 77701-2200. 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[S] shall designate EXPERT WITNESSES in writing and provide expert reports by this date.

4. _____ DEFENDANT[S] 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. _____ FINAL STATUS CONFERENCE 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 Final Status Conference. The parties should be prepared to try the case by this date.

10. _____ Estimated time to try before a jury/the court. (Underline one.)

SIGNED at Beaumont, Texas, on _____, 20__.

_____
MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

Beaumont Final Status Conference Dates for Judge Marcia A. Crone

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

September 6, 2013

October 4, 2013

November 1, 2013

December 6, 2013

January 3, 2014

February 7, 2014

March 7, 2014

April 4, 2014

May 2, 2014

June 6, 2014

July 11, 2014

August 1, 2014

September 5, 2014

October 3, 2014

November 7, 2014

December 5, 2014

January 2, 2015

February 6, 2015

March 6, 2015

April 3, 2015

May 1, 2015

June 5, 2015

July 2, 2015

August 7, 2015

September 4, 2015

October 2, 2015

November 6, 2015

December 4, 2015

UNITED STATES DISTRICT COURT		EASTERN DISTRICT OF TEXAS

_____	§	
	§	
versus	§	CASE NO. _____
	§	
_____	§	

JOINT PRETRIAL ORDER

Appearance of Counsel

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

Joint Statement of the Case

Give a brief joint 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. Attach any motions in limine to the joint pretrial order.

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.

Disputed Issues of Law

State briefly the disputed issues of law and refer the court to any memoranda on disputed issues of law that are filed with the joint pretrial order.

MEMORANDA ON DISPUTED ISSUES OF LAW MUST BE FILED TO ADDRESS EACH OF THE ISSUES THAT AFFECT THE CASE.

Exhibits

Refer the court to the exhibit list or lists that have been attached to the joint pretrial order.

Witnesses

Refer the court to the witness list or lists that have been attached to the joint pretrial order.

In addition to the information in the witness list, counsel must provide 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, telephone numbers, other contact information, as well as 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."

Agreed Jury Charge

Refer the court to the two versions of the agreed jury charge attached to the joint pretrial order. Indicate whether the parties have failed to reach full agreement on the proposed charge and confirm whether any alternative requested jury instructions from either party are attached.

Omit this section in non-jury trials.

Proposed Voir Dire Questions

Refer the court to the proposed voir dire examination questions attached to the joint pretrial order.

Omit this section in non-jury trials.

Proposed Findings of Fact and Conclusions of Law

Refer the court to any findings of fact and conclusions of law attached to the joint pretrial order. Please remember to separate agreed findings and conclusions from those that are in dispute.

Omit this section for jury trials.

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; and

(d) Any foreseeable logistical problems.

_____ _____

Date MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

APPROVED:

_____ _____

Counsel for Plaintiff(s) Date

_____ _____

Counsel for Defendant(s) Date

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

_____

vs.

_____

EXHIBIT LIST OF _____

CASE NUMBER:

PRESIDING JUDGE Marcia A. Crone	PLAINTIFF'S ATTORNEYS	DEFENDANT'S ATTORNEYS
JURY/ NON-JURY TRIAL	COURT REPORTER Tonya Jackson	COURTROOM DEPUTY Patricia Leger

PLTF NO.	DEF. NO.	OFFERED	OBJECTION	DATE ADMITTED	DESCRIPTION OF EXHIBIT

CASE STYLE:	CASE NO.

PLTF. NO.	DEF. NO.	OFFERED	OBJECTION	DATE ADMITTED	DESCRIPTION OF EXHIBIT

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

_____

vs.

WITNESS LIST OF _____

_____

CASE NUMBER:

PRESIDING JUDGE Marcia A. Crone	PLAINTIFF'S ATTORNEYS	DEFENDANT'S ATTORNEYS
JURY/ NON-JURY TRIAL	COURT REPORTER Tonya Jackson	COURTROOM DEPUTY Patricia Leger

No.	WITNESS NAME	WITNESS'S ADDRESS (INCLUDING CITY OF RESIDENCE) and TELEPHONE NUMBER	DESCRIPTION OF WITNESS'S TESTIMONY

CASE STYLE:	CASE NO.

No.	WITNESS NAME	WITNESS'S ADDRESS (INCLUDING CITY OF RESIDENCE) and TELEPHONE NUMBER	DESCRIPTION OF WITNESS'S TESTIMONY