

(Sample for non-patent cases)

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

V.

§
§
§ CIVIL NO.
§
§

DOCKET CONTROL ORDER

In accordance with the case scheduling conference held herein on the ____ day of _____, 2012, hereby

ORDERED that the following schedule of deadlines is in effect until further order of this court:

_____ Jury Selection - _____ am/pm in **Marshall, Texas**

_____ Pretrial Conference - _____ am/pm in **Marshall, Texas**

_____ Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict due to be submitted.

_____ **Motions in *Limine* due**

The parties are ordered to **meet and confer** on their respective motions *in limine* and **advise the court of any agreements in this regard by 1:00 p.m. three (3) business days before** the pretrial conference. The parties shall limit their motions *in limine* to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).

_____ **Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings.** If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.

Pretrial Disclosures due

Pretrial Objections due

Response to Dispositive Motions (including *Daubert* Motions).¹
Responses to dispositive motions filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.

For Filing Dispositive Motions and any other motions that may require a hearing; including *Daubert* motions.

Deadline to File Motions to Compel Regarding Discovery Disputes.

Discovery Deadline

Defendant to Identify Trial Witnesses

Plaintiff to Identify Trial Witnesses

Defendant to Answer Amended Pleadings

Amend Pleadings

(It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein).

Mediation to be completed

Defendant to Designate Expert Witnesses

Expert witness report due

Refer to Local Rules for required information.

Plaintiff to Designate Expert Witnesses

¹

The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **14 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

Expert witness report due
Refer to Local Rules for required information.

_____ Privilege Logs to be exchanged by parties
(or a letter to the Court stating that there are no disputes as to claims
of privileged documents).

_____ Join Additional Parties

IT IS FURTHER ORDERED that _____ is hereby appointed as mediator in the above referenced case. Mediation is to occur at such location as is mutually agreed by the parties and mediator, and failing agreement at such location as specified by the mediator.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.
4. Mediation shall be attended, in person, by named parties (if an individual) or by a fully authorized representative (if not an individual) and by lead counsel. Third party insurance carriers who may be obligated to indemnify a named party and/or who owe a defense to any party shall also attend mediation, in person, by means of a fully

authorized representative. Non-compliance with these directives shall be considered an intentional failure to mediate in good faith.