

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

**Plaintiff**

**vs.**

**Defendant**

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**CASE NO.**

**DOCKET CONTROL ORDER**

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

<p><b>Approximately 7 months from Scheduling Conference date</b></p> <p>1<sup>st</sup> Monday of the second full week of the month</p> <p><b>Court designated date – not flexible without good cause - Motion Required</b></p>	<p><b>JURY TRIAL _____ at the United States District Court, 211 W. Ferguson, Tyler, Texas 75702.</b></p> <p><b>EXHIBITS &amp; EXHIBIT LISTS:</b> Each party is requested to provide the Court with an original and two courtesy copies of exhibits and exhibit lists. The Court’s preferred format for Exhibit Lists is available on the Court’s website at <a href="http://www.txed.uscourts.gov">www.txed.uscourts.gov</a> under “Judges’ Orders &amp; Information.”</p> <p>If exhibits are voluminous, provide only specific pages that pertain to the issues on the two courtesy copies. The original exhibits that are agreed upon by the parties, should be ready to be tendered to the Clerk of the Court at the beginning of trial. Other exhibits that are admitted during trial should be tendered to the Clerk of the Court immediately after admission.</p> <p>The parties are further requested to have all exhibits labeled with the following information on each label: Designation of Plaintiff’s or Defendant’s Exhibit Number and Case Number. For example:</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div data-bbox="581 1722 915 1883" style="border: 1px solid black; padding: 5px; width: 150px;"> <p style="text-align: center;"><b>Plaintiff’s Exhibit</b></p> <p>Exhibit No. _____</p> <p>Case No. _____</p> </div> <div data-bbox="1034 1722 1369 1883" style="border: 1px solid black; padding: 5px; width: 150px;"> <p style="text-align: center;"><b>Defendant’s Exhibit</b></p> <p>Exhibit No. _____</p> <p>Case No. _____</p> </div> </div>
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<b>1<sup>st</sup> Monday of month</b> Court designated date – not flexible without good cause - Motion Required	<b>JURY SELECTION _____ at the United States District Court, 211 W. Ferguson, Tyler, Texas 75702.</b>
<b>3<sup>rd</sup> Thurs prior month</b> Court designated date – not flexible without good cause - Motion Required	<b>PRETRIAL CONFERENCE at the United States District Court, 211 W. Ferguson, 2<sup>nd</sup> Floor, Courtroom of Judge John D. Love, Tyler, Texas.</b>
<b>2 days before pretrial</b>	Parties to file estimates of the amount of time they request at jury selection and trial for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.
<b>3 days before pretrial</b>	<b>Motions in Limine due.</b> The parties are directed to confer and advise the Court on or before 3:00 o'clock p.m. the day before the pre-trial conference which paragraphs are agreed to and those that need to be addressed at the pre-trial conference.
<b>8 days before pretrial</b>	<b>Pretrial Objections to Pretrial Disclosures due.</b>
<b>13 days before pretrial</b>	<b>Objections to Rebuttal Deposition Testimony due.</b>
<b>18 days before pretrial</b>	<b>Rebuttal Designations and Objections to Deposition Testimony due.</b> For rebuttal designations, cross-examination line and page numbers to be included.
<b>48 days before pretrial</b>	<b>Pretrial Disclosures due.</b> Each party shall provide to every other party the following disclosures regarding the evidence that the disclosing party intends to present at trial:
	(a) The name and, if not previously provided, the address and telephone number, of each witness, separately identifying those whom the party expects to present at trial and those whom the party may call if the need arises.
	(b) The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.
	(c) An appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.

<p><b>Same as above</b></p>	<p><b>Video and Stenographic Deposition Designation due.</b> Each party who proposes to offer deposition testimony shall file a disclosure identifying the line and page numbers to be offered. In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.</p>
<p><b>61 days before pretrial</b></p> <p>Court designated date – not flexible without good cause - Motion Required</p>	<p><b>Response to Dispositive Motions (including <i>Daubert</i> motions).</b> Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e).</p>
<p><b>Same as above</b></p>	<p><b>Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority, and Form of the Verdict for jury trials. Proposed Findings of Fact and Conclusions of Law with citation to authority for bench trials.</b></p> <p><b>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings.</b> If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court.</p>
<p><b>71 days before pretrial</b></p>	<p><b>Parties to Identify Rebuttal Trial Witnesses.</b></p>
<p><b>78 days before pretrial</b></p> <p>(note: parties need at least 17 days to respond to dispositive motions)</p> <p>Court designated date – not flexible without good cause - Motion Required</p>	<p><b>Dispositive Motions</b> due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions); Motions for Summary Judgment shall comply with Local Rule CV56.</p>
<p><b>85 days before pretrial</b></p>	<p><b>Respond to amended pleadings.</b></p>
<p><b>93 days before pretrial</b></p>	<p><b>Amend Pleadings.</b></p>
<p><b>93 days before pretrial</b></p>	<p><b>Parties to Identify Trial Witnesses.</b></p>
<p><b>108 days before pretrial</b></p>	<p><b>Discovery Deadline.</b></p>

<b>128 days before pretrial</b>	<b>Parties designate responsive expert witnesses.</b> Expert witness reports due. Refer to Local Rules and Discovery Order for required information.
<b>138 days before pretrial</b>	<b>Parties with burden of proof designate expert witnesses.</b> Expert Witness reports due. Refer to Local Rules and Discovery Order for required information.
<b>168 days before pretrial</b>	<b>Privilege Logs</b> to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
<b>To be discussed</b>	Mediation to be completed. _____ is appointed as mediator in this cause. The mediator shall be deemed to have agreed to the terms of Court Ordered Mediation Plan of the United States District Court of the Eastern District of Texas by going forth with the mediation in accordance with this order. General Order 99-2.
<b>To be discussed</b>	Length of Trial

In the event that any of these dates fall on a weekend or Court holiday, the deadline is modified to be the next Court business day.

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 **17 days** in which to serve and file supporting documents and briefs after which the Court will consider the submitted motion for decision.

#### **OTHER LIMITATIONS**

- (a) 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.
- (b) 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).

- (c) The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
  - (i) The fact that there are motions for summary judgment or motions to dismiss pending;
  - (ii) 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;
  - (iii) 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.