

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

[PLAINTIFF],
Plaintiff

v.

[DEFENDANT],
Defendant.

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Case No. 6:xx-cv-xxx-JDK

SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16(b) and the Eastern District of Texas Local Rules (except as modified herein), the Court, having considered the status report submitted by the parties, finds that the following schedule should govern the disposition of this case:

As set by the Court	9:00 a.m. JURY SELECTION AND TRIAL before Judge Jeremy D. Kernodle, 221 W. Ferguson St., 1st Floor, Tyler, Texas.
To be scheduled by the Court if necessary	A pretrial conference will be conducted, in person, if the Court determines such a conference is necessary. Lead counsel for each party must attend, or, if the party is proceeding <i>pro se</i> , the party must attend. Lead counsel and <i>pro se</i> parties must have authority to enter into stipulations and admissions that would facilitate the admission of evidence and reduce the time and expense of trial. All pretrial motions not previously decided will be resolved at that time, and procedures for trial will be discussed.
14 days before trial	File Responses to Motions <i>in Limine</i>, if any.
28 days before trial	File a Notice of Time Requested for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.

28 days before trial	<p>File Motions <i>in Limine</i>, if any, and pretrial objections.</p> <p>Motions in limine should not be filed as a matter of course. The parties are ORDERED to meet and confer to resolve any disputes before filing any motion <i>in limine</i>. Replies to responses are not permitted except by leave of Court.</p>
28 days before trial	<p>Settlement Conference Deadline.</p> <p>See additional details below.</p>
28 days before trial	<p>Exchange Exhibits.</p> <p>Each party intending to offer exhibits shall serve a complete set of marked exhibits (including demonstrative exhibits) to all opposing parties and shall deliver a set of marked exhibits to the Court's chambers (except for large or voluminous items that cannot be easily reproduced).</p>
28 days before trial	<p>File Joint Final Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials.</p> <p>See additional details below.</p> <p>Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench.</p>
28 days before trial	<p>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due.</p> <p>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>

42 days before trial	<p>Objections to Pretrial Disclosures.</p> <p>Each party must serve a list disclosing any objections and the relevant grounds, including any objections under Federal Rule of Evidence 402 and 403, to:</p> <p>(a) any other party’s deposition designation; (b) the admissibility of disclosed exhibits; and (c) the use of any witnesses.</p> <p>Any objections not so disclosed, other than objections under Rules 402 and 403 of the Federal Rules of Evidence, are waived unless excused by the Court for good cause. The parties are ORDERED to meet and confer to resolve any disputes before filing any objections to pretrial disclosures.</p>
49 days before trial	<p>Exchange Rebuttal Deposition Designations.</p> <p>For rebuttal designations, cross examination line and page numbers to be included.</p>
56 days before trial	<p>Exchange Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List).</p> <p>Parties must make all disclosures required by Rule 26(a)(3)(A)-(B). Any party who proposes to offer deposition testimony shall serve a disclosure identifying the line and page numbers to be offered.</p>
As set by the Court	<p>Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions).</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u></p>

205 days before trial	<p>Discovery Deadline</p> <p>All discovery—including expert discovery—shall be completed by this date. The parties may agree to extend this discovery deadline, provided (a) the extension does not affect the trial setting, dispositive motions deadline, challenges to experts deadline, or pretrial submission dates; and (b) the parties jointly file written notice of the extension with the Court.</p>
175 days after Scheduling Order entered	<p>Mediation Deadline</p> <p>Within seven days after the mediation, the parties shall jointly prepare and file a written report, which shall be signed by counsel for each party, detailing the date on which the mediation was held, the persons present (including the capacity of any representative), and a statement informing the Court of the outcome of the mediation.</p>
30 days after any Rule 26(a)(2) disclosure	<p>Parties may provide further expert disclosure of expert testimony or evidence intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) within 30 days of the disclosure contradicted or rebutted.</p>
145 days after Scheduling Order entered	<p>Party without the burden of proof on an issue shall file a written designation of the name and address of each expert witness, if any, who will testify at trial for that party and shall otherwise comply with Federal Rule of Civil Procedure 26(a)(2) and Local Rule CV-26(b).</p>
117 days after Scheduling Order entered	<p>Party with the burden of proof on an issue shall file a written designation of the name and address of each expert witness, if any, who will testify at trial for that party and shall otherwise comply with Federal Rule of Civil Procedure 26(a)(2) and Local Rule CV-26(b).</p>
61 days after Scheduling Order entered	<p>Deadline for Motions for Leave to Join Parties or Amend Pleadings.</p> <p>Parties may petition the Court to modify this deadline for good cause.</p>

21 days after Scheduling Order entered	<p>File Notice of Mediator</p> <p>The parties may jointly file a notice that identifies an agreed upon mediator (with a proposed order appointing the mediator) or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should confirm the mediator's availability and schedule mediation before the deadline.</p>
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If any of these dates fall on a weekend or Court holiday, the deadline is modified to be the next Court business day. Also note that all deadlines in this order are for **filing** or **delivery, not mailing** dates.

Unless otherwise ordered or specified herein, all limitations and requirements of the Federal Rules of Civil Procedure and the local rules of this Court must be observed.

SETTLEMENT CONFERENCE AND STATUS REPORT

a. Settlement Conference:

By the deadline provided above, the parties and their respective lead counsel shall hold a **face-to-face meeting** to discuss **settlement** of this case. Individual parties and their counsel shall participate in person, not by telephone or other remote means. All other parties shall participate by a representative or representatives, in addition to counsel, who shall have unlimited settlement authority and who shall participate in person, not by telephone or other remote means. If a party has liability insurance coverage as to any claim made against that party in this case, a representative of each insurance company providing such coverage, who shall have full authority to offer policy limits in settlement, shall be present at, and participate in, the meeting in person, not by telephone or other remote means.

b. Joint Settlement Report:

Within **seven days** after the settlement conference, the parties shall **jointly prepare and file a written report**, which shall be signed by counsel for each party, detailing the date on which the meeting was held, the persons present (including the capacity of any representative), a statement regarding whether meaningful progress toward settlement was made, and a statement regarding the prospects of settlement.

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