ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JUN 26
NANCY DOHERTY CLERK
By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE COMMISSION	§	
Plaintiff,	§	
VS.	§	NO. 3-98-CV-2689-M
FUNDING RESOURCE GROUP a/k/a FRG TRUST, ET AL.	§	
Defendants.	§	

ENTERED ON DOCKET
JUN 27 2000
U.S. DISTRICT CLERK'S OF

STANDING ORDER ON ALL NON-DISPOSITIVE MOTIONS

This case has been referred to United States Magistrate Judge Jeff Kaplan for pretrial management pursuant to 28 U.S.C. § 636(b). The following order shall govern the disposition of all non-dispositive motions filed in this cause.

1. **Informal Resolution of Pretrial Disputes.** The Court encourages the informal resolution of all contested pretrial disputes. Toward this end, the parties are welcome to schedule a telephone conference with the magistrate judge before any non-dispositive motions are filed. This is not an invitation to engage in *ex parte* communications or obtain advisory rulings from the Court. Rather, it is an attempt to resolve relatively simple and straightforward disputes in an efficient and cost-effective manner. Some examples are: (a) motions for leave to amend pleadings within the deadline established in the pretrial scheduling order; (b) problems that arise during depositions, such as the refusal of a witness to answer questions or excessive objections by counsel; (c) disagreements over the interpretation or effect of prior court orders; (d) the extension of pretrial deadlines or other scheduling matters; and (e) emergency situations that require

immediate judicial intervention. This list is not exhaustive. However, an informal telephone conference should be used only when the parties have a legitimate disagreement over a non-substantive issue that can be resolved in a summary fashion.

2. **Face-to-Face Conference.** No contested motion shall be filed unless the attorneys first meet face-to-face in an attempt to resolve all matters in dispute. Any attorney refusing to participate in this conference will be subject to sanctions.

3. **Joint Status Report.** A joint status report must be attached to any contested motion. This report must contain the following information: (a) the names of the attorneys who participated in the face-to-face conference; (b) the date the conference was held and the amount of time the parties conferred; (c) the matters that were resolved by agreement; (d) the specific matters that need to be heard and determined; and (e) the reasons why agreement could not be reached as to those matters. The joint status report must be signed by all participating attorneys. Any attorney who fails to sign the report will be subject to sanctions.

4. **Filing and Service of Motions.** All motions must be filed with the district clerk. A copy of the motion shall be *hand delivered* to the chambers of Judge Kaplan, 1100 Commerce Street, 16th Floor, Dallas, Texas. If a copy of your motion is not delivered directly to chambers, we may never know that the motion has been filed. Do not send copies of any motions to Judge Lynn.

5. **Responsive Pleadings.** A briefing schedule will be established to facilitate the prompt and orderly disposition of each contested motion. In most cases, the parties will be permitted to file a response and reply. However, the magistrate judge may expedite the consideration of certain motions and schedule the matter for a hearing without the necessity of a written response. Copies of all responsive pleadings must be *hand delivered* to the chambers of

Judge Kaplan. Do not send copies to Judge Lynn.

6. **Hearings.** Contested motions will be set for a hearing after all responsive pleadings have been filed. Most hearings are set on Friday mornings. Oral argument is generally limited to fifteen minutes per side. However, the magistrate judge may conduct hearings on other days or allot more time in appropriate cases.

7. **Orders.** All motions will be decided by written order. If the motion is uncontested or agreement is reached after the motion is filed, the parties will be required to submit an agreed order to the magistrate judge for approval and entry. If the motion is decided after a hearing, the parties will be required to submit an order approved as to form based on the court's ruling. *Any order submitted to the magistrate judge must be signed by all counsel of record.* Unsigned orders or orders not approved by all parties will not be accepted. The proposed order must be *hand delivered* to the chambers of Judge Kaplan by a date set by the Court. The failure to submit an order in proper form will result in the imposition of sanctions.

8. **Questions.** Any questions concerning this order, or the status of any motion referred to Judge Kaplan, may be directed to Judi Andrew at (214) 753-2400.

SO ORDERED.

DATED: June 26, 2000.

JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE