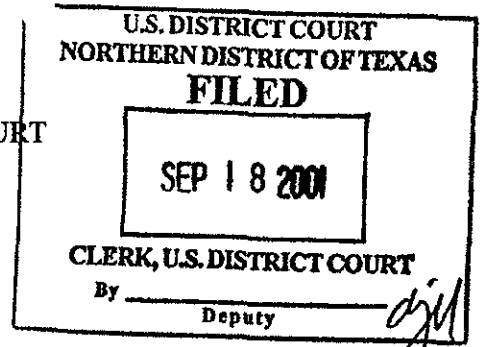


ORIGINAL

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



MICHAEL J. QUILLING, as Receiver  
for Hammersmith Trust, LLC, Microfund  
LLC, and B. David Gilliland

Plaintiff,

VS.

MELODY WOLCOTT GILLILAND

Defendant.

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NO. 3-01-CV-1617-M



**ORDER REQUIRING ATTORNEY CONFERENCE  
AND JOINT STATUS REPORT**

This order is entered pursuant to the Civil Justice Expense and Delay Reduction Plan for the Northern District of Texas and Rule 26(f) of the Federal Rules of Civil Procedure.

1. **Meeting of Counsel.** Lead counsel for all parties shall meet in person at a mutually agreeable location not later than October 1, 2001. At this meeting, the attorneys will be expected to discuss: (a) the nature and basis of their claims and defenses; (b) the possibilities for a prompt settlement or resolution of the case; (c) a proposed discovery plan; and (d) the other matters specified in Rule 16(b) of the Federal Rules of Civil Procedure. Any attorney who fails to attend this meeting or participate in good faith will be subject to sanctions.

2. **Joint Status Report and Proposed Scheduling Plan.** The parties shall submit a joint status report and proposed scheduling plan by October 15, 2001. This report must contain the following information:

- (a) A brief description of the nature of the case and contentions of the parties;
- (b) Any challenges to jurisdiction or venue;
- (c) Any pending or contemplated motions;

9

- (d) A proposed deadline to file motions to amend pleadings and join additional parties;
- (e) A proposed deadline to file dispositive motions and other pretrial motions;
- (f) A proposed discovery plan, including:
  - (i) Whether discovery should be conducted in phases or limited to certain issues;
  - (ii) Whether the presumptive limits of 10 depositions per side, seven hours per deposition, and 25 interrogatories per party should apply in this case. Any party who suggests that these limits should not apply must set forth the reasons for variance from the rules;
  - (iii) Any other proposed limitations on discovery;
  - (iv) A proposed deadline to designate expert witnesses and exchange written reports;
  - (v) A proposed deadline to file motions challenging the relevance or reliability of expert testimony under *Daubert*;
  - (vi) A proposed deadline to complete discovery and supplement responses;
- (g) The position of each party regarding mediation or other forms of alternate dispute resolution, including a proposed deadline for the completion such procedures;
- (h) A proposed trial date and whether a jury has been demanded;
- (i) Whether the parties have consented to have any or all further proceedings conducted by the magistrate judge. The parties are reminded that they may consent to have the magistrate judge make final rulings on case dispositive motions, while reserving their right to trial before the district judge. Any party is free to withhold consent without substantive adverse consequences; and
- (j) Any other matters relevant to the status or disposition of the case.

The joint status report and proposed scheduling plan must be signed by all counsel of record. Any attorney who fails to sign the report will be subject to sanctions. If the parties cannot agree on a particular recommendation, the report must set forth the nature of the disagreement and

explain why agreement could not be reached. The Court will resolve any disputes at a scheduling conference.

The Court is required to enter a scheduling order "as soon as practicable but in any event within 90 days after the appearance of a defendant and within 120 days after the complaint has been served on a defendant." *See* FED. R. CIV. P. 16(b). Consequently, any request for an extension of time to file the joint status report and proposed scheduling plan will be viewed with disfavor.

3. **Commencement of Discovery.** A party may not seek discovery from any source without leave of court before the attorneys meet and confer as required by Rule 26(f) of the Federal Rules of Civil Procedure.

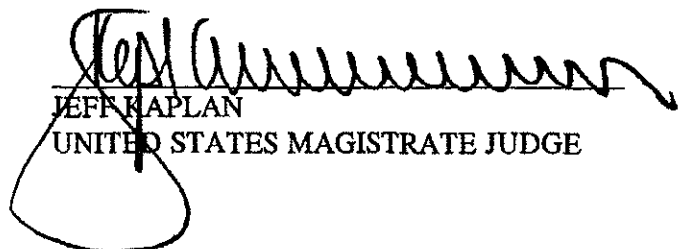
4. **Initial Disclosures.** Unless the parties otherwise stipulate, initial disclosures must be made at or within 14 days of the Rule 26(f) conference. Such disclosures shall comply with Rule 26(a)(1) of the Federal Rules of Civil Procedure. *See* FED. R. CIV. P. 26(a)(1).

5. **Scheduling Conference.** The Court will enter a scheduling order after the joint status report and proposed scheduling plan has been submitted. A scheduling conference will be held upon the request of any party. The Court may also set a scheduling conference in appropriate cases.

Any questions concerning this order or any matter referred to Judge Kaplan should be directed to Judi Andrew at (214) 753-2400.

SO ORDERED.

DATED: September 17, 2001.

  
JEFF KAPLAN  
UNITED STATES MAGISTRATE JUDGE