

ORIGINAL

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

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUL 3 1 2000

NANCY DOHERTY, CLERK

By Deputy

djd

JOHN PAPAGNI, ET AL.

Plaintiff,

VS.

HAMMERSMITH TRUST, L.L.C.,
ET AL.

Defendants.

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NO. 3-00-CV-1065-M

ENTERED ON DOCKET

JUL 3 1 2000

U S DISTRICT CLERK'S OFFICE

INITIAL SCHEDULING ORDER

This scheduling order is entered pursuant to the Civil Justice Expense and Delay Reduction Plan for the Northern District of Texas and Rule 16(b) of the Federal Rules of Civil Procedure:

1. **Dispositive Motions.** All dispositive motions must be filed by **June 15, 2001.** The motion must be accompanied by a brief not to exceed 30 pages in length. *See* LR 56.5(b) (as modified). Any affidavits, depositions, written discovery materials, or other summary evidence must be included in a separate appendix. The appendix shall be numbered sequentially from the first page through the last, and include an index of all documents contained therein. An envelope that contains a non-documentary or oversized exhibit must be numbered as if it were a single page. *See* LR 56.6. No party may file more than one motion for summary judgment without leave of court. *See* LR 56.2(b).

The Court will establish a summary judgment briefing schedule by separate order. Ordinarily, the non-movant will be given 30 days to file a response. The movant will then have 15 days to file a reply. No supplemental pleadings, briefs, or summary judgment evidence will be allowed without leave of court. *See* LR 56.7.

204

2. **Discovery.** All discovery must be initiated in time to be completed by **May 15, 2001.** This includes the use of subpoenas to obtain documents from third parties under Rule 45, and the supplementation of discovery responses as required by Rule 26(e) of the Federal Rules of Civil Procedure. The presumptive limit of 25 interrogatories per party shall apply in this case. *See* FED. R. CIV. P. 33(a). Each party may serve no more than 30 requests for admission. At the request of the parties, leave of court is granted to take more than 10 depositions per side. *See* FED. R. CIV. P. 30(a)(2)(A). No other limitations on discovery are imposed at this time.

3. **Expert Witnesses.** A party with the burden of proof on a claim or defense must designate expert witnesses by **March 16, 2001.** A party who intends to offer expert evidence "intended solely to contradict or rebut evidence on the same subject identified by another party" must designate expert witnesses by **February 15, 2001.** The designation of experts must comply with the provisions of Rule 26(a)(2) of the Federal Rules of Civil Procedure, including the preparation of a written report signed by the expert. However, a written report is only required from a witness "who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony." *See* FED. R. CIV. P. 26(a)(2)(B).

Any motion challenging the relevance or reliability of expert testimony must be filed by **June 15, 2001.** The motion must be accompanied by a brief, not to exceed 15 pages in length, and an appendix of documentary evidence. *See* LR 7.1(i). The failure to file such a motion will result in a waiver of any *Daubert*-type objections.

4. **Amendment of Pleadings.** Motions for leave to amend pleadings must be filed by **October 17, 2000.** A timely-filed motion will be granted as a matter of course absent a showing of prejudice or futility. *See* FED. R. CIV. P. 15(a). No amendments will be allowed after this

deadline except upon a showing of good cause. *See* FED. R. CIV. P. 16(b).

5. **Joinder of Parties.** All parties must be joined by **October 17, 2000.**

The parties may modify any of these pretrial deadlines by agreement, except the deadline for filing dispositive motions or *Daubert* motions. A formal motion is not required. The parties may simply notify the Court of their agreement by letter. The deadline for filing dispositive motions or *Daubert* motions will not be modified except upon motion for good cause shown.

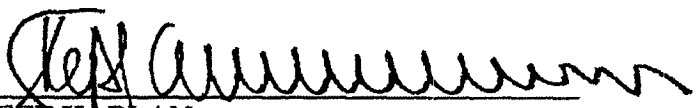
The Court will set this case for trial by separate order after all dispositive motions have been decided. The order will establish trial-type deadlines, including a deadline for submitting a joint pretrial order, witness lists, exhibit lists, deposition excerpts, and a proposed jury charge or findings of fact and conclusions of law. Deadlines will also be established for filing motions in limine and other trial-related motions.

The failure to comply with any part of this order may result in the imposition of sanctions.

See FED. R. CIV. P. 16(f).

SO ORDERED.

DATED: July 28, 2000.


JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE
