

ORIGINAL

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

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JUN 26 2000
NANCY DOHERTY, CLERK
By _____

MICHAEL J. QUILLING, as Receiver
for Robert Cord, Winterhawk West
Indies, Inc. and Steven C. Roberts
d/b/a Funding Resources Group

Plaintiff,

VS.

TEXAS COSTAL BANK, ET AL.

Defendants.

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NO. 3-99-CV-1504-M

(Previously Consolidated With
Case No. 3-98-CV-2689-M)

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

**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 July 17, 2000. 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 July 25, 2000. 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;
- (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 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;
- (i) Whether the parties consent to have any or all further proceedings conducted by the magistrate judge. The parties may also 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 the 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. **Initial Disclosures.** The parties are not required to make initial disclosures under Rule 26(a)(1) of the Federal Rules of Civil Procedure.


4. **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.

5. **Scheduling Conference.** The Court will set a scheduling conference after the joint status report and proposed scheduling plan has been submitted. Lead counsel for each party must attend this conference in person unless prior arrangements are made to participate telephonically. The Court will enter a scheduling order at the conclusion of this conference.

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: June 26, 2000.



JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE

