

**PROCEDURES FOR CASES ASSIGNED TO DISTRICT JUDGE ADA BROWN  
AND STANDING ORDER**

These Procedures and Standing Order apply to cases assigned to Judge Ada Brown. These Procedures are to be used with the Federal Rules of Civil Procedure and the Local Rules, not as a substitute for them.

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## I. CASE MANAGEMENT PROCEDURES

- A. ***Electronic Filing and Service*** - Counsel must ensure that all pleadings filed via the CM/ECF system strictly comply with Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1. These rules regulate the transmission of private and case sensitive information through the CM/ECF system.
- B. ***Preliminary Pretrial Conference ("Rule 16 Conference")*** - Unless a Rule 16 (a) scheduling conference is set by the Court, Judge Brown will enter a scheduling order after reviewing the Joint Status Report from the parties as required by the order requiring attorney conference and Joint Status Report.
1. **The Court expects the parties to have meaningfully met and conferred about evidence and exhibits BEFORE the pretrial conference. At the pretrial conference, the Court will consider only the unresolved objections to exhibits and evidence.**
- C. ***Criminal Sentencing Proceedings*** - For sentencing hearings-only 10 family members and/or friends will be allowed in the courtroom.
- D. ***Rule 26(f) Scheduling Conference*** - The Court requires the parties to comply, in person, with the conference requirements of Rule 26(f) of the Federal Rules of Civil Procedure. The Court does not require a face-to-face meeting in cases involving *pro se* or prisoner litigants.

The parties must discuss at the Rule 26(f) meeting, and include in the Joint Status Report filed with the court, the matters listed in Rule 26(f) that apply to the case. In general, the court expects the parties to discuss, address in their Joint Status Report, and be prepared to review with the court, the topics that are set out below.

1. The nature and basis of the parties' claims and defenses, and any threshold issues that need to be resolved, such as jurisdiction or limitations.
2. The parties' plan for the discovery needed to obtain the information that is relevant, not privileged, and proportional to the needs of the case. The parties are expected to engage in early, ongoing, and meaningful planning for proportional discovery.
3. Whether discovery can initially be focused or targeted to obtain the information relevant to the most important issues and available from the most easily accessible sources. The parties must discuss at the Rule 26(f) Conference what subjects and sources of discovery are both highly relevant and accessible without undue burden or expense. The parties must discuss any claims, defenses, motions, issues, or subject areas that should be the initial focus of discovery, and the sources that are most

likely to yield the most important information on those areas with the least burden or expense. The parties and the court can use the results of this initial discovery to guide decisions about further discovery and other pretrial work.

4. Whether any party has served Rule 34 requests for production at the Rule 26(f) Conference and, if so, whether there are disputes about them.
5. Whether there are issues or problems in the preservation, retrieval, review, disclosure, or production of discoverable information.
6. Whether there are issues or problems associated with the burdens or costs of proposed discovery, or with the benefits the proposed discovery is expected to provide.
7. Whether there are steps that could reduce or avoid discovery costs. Examples include:
  - focusing initial discovery on the information important to assessing and evaluating the claims and defenses, available from readily accessible sources;
  - using pattern or routine discovery requests that have been developed for certain cases, including employment cases alleging adverse actions and FLSA violations, cases involving post-disaster first-party property insurance disputes, and cases involving business-interruption insurance claims.
  - stipulating to any undisputed material facts and critical points of controlling law;
  - reducing the complexity or burdens of reviewing for attorney-client privilege or work-product protection and of creating privilege logs;
  - exchanging basic information about the case without the need for formal discovery requests and responses; and,
  - in cases involving extensive electronic discovery, using technology to assist in reviewing the information.
8. Whether there are issues specifically relating to the disclosure or discovery of electronically stored information, including:
  - the form or forms in which it should be produced;

- the topics and the period for which discovery will be sought;
- the sources of information or systems likely to contain information, within a party's control, that should be searched;
- issues relating to preserving, retrieving, reviewing, disclosing, or producing electronically stored information;
- issues relating to claims of privilege or protection including—if the parties agree on a procedure to assert such claims after production—whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502(d) or, if no agreement is reached, whether the court should nonetheless enter the order; and
- other topics listed below or in Rules 16 and 26(f).

E. ***The Joint Status Report*** - The Rule 26(f) meeting is expected to result in the parties completing the Joint Status Report, using the form that is attached hereto as **Attachment 1**. The form may be modified or adapted to the needs of the particular case.

The parties are to file with the court only one combined Joint Status Report and proposed Order. Both must be signed by counsel for all parties and by any unrepresented parties. Counsel for the plaintiff is responsible for filing the Joint Discovery/Case Management Joint Status Report and the proposed Order with the court. If the plaintiff is unrepresented, counsel for the represented parties has the responsibility for filing the Joint Status Report and proposed Order.

If the parties cannot agree on matters that must or should be addressed in the Joint Status Report or proposed Order, the disagreements must be set out clearly in the joint filing. The court may discuss the disputes with counsel and attempt to resolve them at a later Rule 16 Conference.

**Contents** - The parties must discuss in their Rule 26(f) meeting, and the Report must include, the pertinent matters listed on the attached forms, including the following:

1. A brief statement of the claims and defenses;
2. A proposed time limit to file motions for leave to join other parties;
3. A proposed time limit to amend the pleadings;

4. Proposed time limits to file various types of motions, including dispositive motions (NOTE: The dispositive motion deadline cannot be less than 90 days before trial; the Court prefers 120 days);
5. A proposed time limit for initial designation of experts;
6. A proposed time limit for responsive designation of experts;
7. A proposed time limit for objections to experts (i.e. Daubert and similar motions);
8. A proposed plan and schedule for discovery, a statement of the subjects on which discovery may be needed, a time limit to complete factual discovery and expert discovery, and a statement of whether discovery should be conducted in phases or limited to or focused upon particular issues;
9. What changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed;
10. Proposed means for disclosure or discovery of electronically stored information (“ESI”) and a statement of any disputes regarding the disclosure or discovery of ESI;
11. The depositions that need to be taken, and in what sequence;
12. Any proposals regarding the handling and protection of privileged or trial-preparation material that should be reflected in a court order;
13. A proposed trial date, estimated number of days required for trial and whether jury has been demanded;
14. Objections to Fed. R. Civ. P. 26(a)(1) asserted at the Scheduling Conference, and other proposed modifications to the timing, form or requirement for disclosures under Rule 26(a), including a statement as to when disclosures under Rule 26(a)(1) were made or will be made;
15. Whether the parties will consent to trial (jury or non-jury) before a U.S. Magistrate Judge;
16. Whether the parties are considering mediation or arbitration to resolve this litigation and a statement of when it would be most effective (e.g., before discovery, after limited discovery, after motions are filed, etc.), and, if mediation is proposed, the name of any mediator the parties jointly recommend to mediate the case;

17. Any other proposals regarding scheduling and discovery that the parties believe will facilitate expeditious and orderly preparation for trial;
  18. Whether a conference with the Court is desired; and
  19. Any other matters relevant to the status and disposition of this case, including any other Orders that should be entered by the Court under Federal Rules of Civil Procedure 16(b), 16(c) or 26(c).
- F. **Scheduling Order** - The Judge's scheduling order imposes deadlines on the parties. The scheduling order cannot be modified by the parties without leave of court. The parties must file requests for extensions of time as motions, rather than as stipulations.
- G. **Discovery Disputes** - Discovery disputes are often, but not always, referred to a magistrate judge. Other motions are occasionally referred for recommendation.
- H. **Mediation** - Typically, the Judge refers civil cases to mediation unless the parties indicate, and the Court determines, that mediation would not be fruitful. The parties are given an opportunity to agree upon a mediator and the Judge will appoint that mediator to the case. If the parties cannot agree, the Court will select a mediator for the case.
- I. **Settlement Discussions** - In the Court's scheduling order, Judge Brown directs the parties and their respective lead counsel to hold a face-to-face meeting to discuss settlement of the case.
- J. **Requests for Hearings or Conferences** - Judge Brown will consider written requests for hearings or conferences with the Court provided they are made after conferencing with opposing counsel to attempt to reach agreement as to proposed hearing dates and times. If agreement has not been reached, the party seeking the hearing or conference should so notify the Court in their written request and copy opposing counsel with the request.
- K. **Judge's Copies** - The Court does not require courtesy copies of documents, unless specifically requested in other orders or specifically requested by the Court. Should the Court require copies, the Court's copies are to be delivered to the Clerk's office at 1100 Commerce Street, Room 1452, Dallas, TX 75242. The Clerk's office is located on the 14th floor of the Earle Cabell Federal Building. Their phone number is (214) 753-2200.

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## II. MOTION PRACTICE

Requirements for Specific Motions:

- A. ***Length and Contents for Motions and Briefs*** - Limit any motion, response, brief, or memorandum to 6,250 words; limit any reply to 2,500 words. Use 14-point font in the body of the briefing and 11-point font for footnotes. Do not file a sur-reply absent alternate permission from the Court.

**PROVIDE A CERTIFICATE OF WORD COUNT FOLLOWING THE SIGNATURE BLOCK.** Reliance on word-processor register is sufficient in this regard. Word limits shall not include the case caption, table of contents, table of authorities, signature block, and certificates. However, word counts shall include footnotes.

The Court rarely extends word limits. Anticipate and seek resolution of any motion for extension well in advance of filing deadlines.

Any motion, response, reply, brief, or memorandum must contain items (3), (4), (6), and (7) from the list below. Any motion, response, reply, brief, or memorandum that has more than ten (10) pages of argument must contain all of the following:

1. A table of contents setting forth the page number of each section, including all headings designated in the body of the brief or memorandum;
2. A table of citations of cases, statutes, rules, textbooks, and other authorities, alphabetically arranged;
3. A short statement of the nature and stage of the proceeding;
4. A statement of the issues to be ruled on by the court and a short statement, supported by authority, of the standard of review for each issue;
5. A short summary of the argument;
6. Informative headings identifying separate sections of the argument; and
7. A short conclusion stating the precise relief sought.

**CITATIONS.** Provide pinpoint citation for all legal authority. Do the same for evidence. For instance, cite to page and line for depositions, to page and paragraph number for affidavits and pleadings, and to page and section number for contracts and similar materials. Use Bates number as the page reference where available.

Failure to comply with these requirements may result in the striking of the corresponding filing from the record, without prejudice to compliant refiling of the same.

- B. **Summary Judgment** - The time for filing motions for summary judgment set forth in the local rules is modified by the Judge's scheduling order. Unless modified hereunder, Judge Brown strictly follows the local rules with respect to the content of summary judgment motions and responses as well as the requirements for briefing and appendices. Read the relevant local civil rules before submitting a motion for summary judgment or response thereto.

Limit any summary judgment principal brief to 12,500 words; limit any reply to 6,250 words. *See* N.D. Tex. Civ. R. 56.5(b). Use 14-point font in the body of the briefing and 11-point font for footnotes. Do not file a sur-reply absent alternate permission from the Court.

**PROVIDE A CERTIFICATE OF WORD COUNT FOLLOWING THE SIGNATURE BLOCK.** Reliance on word-processor register is sufficient in this regard. Word limits shall not include the case caption, table of contents, table of authorities, signature block, and certificates. However, word counts shall include footnotes.

The Court rarely extends word limits. Anticipate and seek resolution of any motion for extension well in advance of filing deadlines.

Failure to comply with these requirements may result in the striking of the corresponding filing from the record, without prejudice to compliant refiling of the same.

Regarding **appendices**, the Court strongly prefers Parties adhere to the following practices:

- Submit your Appendix in PDF format with Appendix page numbers stamped on every page. Include the Appendix page number span in the name of the PDF (for example, "Appendix 1 - App. 1 to 100.pdf" or "Exhibit B – Doe Declaration - App. 45 to 200.pdf").
- Provide a table of contents with each Appendix, which enumerates each document in the Appendix along with the corresponding Appendix page number(s).
- Bookmark each document in the Appendix within the PDF.
- Combine Appendix documents into a single attachment to file as few separate PDF attachments as possible. If more than one PDF must be filed,



separate the PDFs by complete sets of Appendix documents; that is, avoid splitting a single Appendix document across several PDFs.

- If the Appendix contains high-resolution images that exceed an 8.5x11 inch page, scale the image down to fill an 8.5x11 inch page.

- C. ***Motions to Dismiss*** - Do not combine a motion to dismiss and an answer in one document. If a motion to dismiss becomes moot due to the filing of an amended complaint, the moving party must notify the Court.

To advance the case efficiently and minimize the cost of litigation, the Court will provide parties an opportunity to amend their pleadings once before considering a Federal Rule 12(b)(6) Motion to Dismiss. **The following procedure must be followed before any party files a Motion to Dismiss under Federal Rule 12(b)(6):**

1. **Counsel shall confer with opposing counsel and provide written notice prior to filing a Federal Rule 12(b)(6) Motion to Dismiss:**
  - To facilitate the efficient progression of litigation, a party or counsel who anticipates filing a Motion to Dismiss under Federal Rule 12(b)(6) must first confer with opposing counsel concerning the proposed deficiencies and the expected basis of the Motion. This conference shall include written (email or certified mail) notification of the Plaintiff's right to amend the pleading under these procedures, specifying the proposed deficiencies and the deadlines below.
2. **Following this notification conference, if the Plaintiff intends to amend the pleading, the Plaintiff shall file an Advisory of such intent with the Court within seven (7) days of receipt of the notification letter.** The Amended Complaint must be filed within seven (7) days of the filing date of the Advisory.
3. **If the Complaint is not so amended by the established deadline, the Defendant may file a Federal Rule 12(b)(6) Motion to Dismiss.** If the Defendant believes any Amended Complaint is still deficient, the Defendant shall file the Motion within the time prescribed by Federal Rule 12(a).
  - When a party files a Motion to Dismiss under Federal Rule 12(b), **a Certificate of Conference shall accompany the Motion expressly stating the movant complied with this Standing Order by informing the Plaintiff of the basis of any anticipated motion, the date of this notice, and noting the non-movant did not timely amend its pleading or the amended pleading is still deficient.**
  - The Court will strike any Federal Rule 12(b) Motion to Dismiss if it does not contain the required Certificate of Conference, which

may preclude its re-filing given the time limits prescribed in Federal Rule 12(a).

4. Under this practice, the Plaintiff has already been provided notice of the proposed deficiencies and the opportunity to amend the pleading prior to the filing of a Motion to Dismiss. Consequently, if the Court finds any Motion to Dismiss has merit, **the Plaintiff shall not be allowed an additional opportunity to amend its Complaint following a properly filed Motion to Dismiss, except upon express leave of court.** See *Great Plains Trust Co. v. Morgan Stanley Dean Witter & Co.*, 313 F.3d 305, 329 (5th Cir. 2002); *Herrmann Holdings Ltd. v. Lucent Techs. Inc.*, 302 F.3d 552, 567 (5th Cir. 2002).
  5. If the Court denies the Motion to Dismiss and the case goes forward, the Plaintiff may seek leave of Court to amend the live Complaint later if circumstances warrant or require amendment.
  6. Federal Rule 12(a) prescribes time limits for the filing of an Answer and for the filing of motions under Federal Rule 12. The requirements of this Standing Order should not preclude or interfere with these time limits.
- D. **Continuance** – Judge Brown follows Local Rule 40.1. N.D. Tex. Civ. R. 40.1. (“A motion for continuance of a trial setting must be signed by the moving party as well as by the party’s attorney of record. Unless the presiding judge orders otherwise, the granting of a motion for continuance will not extend or revive any deadline that has already expired in a case.”).
- E. **Motions in Limine** - A *motion in limine* must be confined to matters actually in dispute. Do not file boilerplate *motions in limine*. The Judge’s scheduling order establishes a deadline for filing *motions in limine*.
- F. **Withdrawal of Counsel** – Judge Brown requires an attorney seeking to withdraw to comply fully with the requirements of Local Rule 83.12. See N.D. Tex. Civ. R. 83.12 (governing withdrawal or substitution of an attorney). The Judge strongly disfavors motions to withdraw in cases where withdrawal would affect the trial date, the discovery process, or the dispositive motion deadline.
- G. **Hearings on Motions** - In most circumstances, Judge Brown makes a ruling based upon briefs; however, the parties may make a written request for oral argument or the Judge may sua sponte schedule a hearing.

**Should the Court permit a hearing on a motion: (i) for a non-evidentiary hearing, the Court permits a maximum of 45 minutes for each side (not each party); (ii) for an evidentiary hearing, the Court permits a maximum of 75 minutes for each side (not each party).**

- H. ***Proposed Orders*** - Proposed orders are **required** to be submitted with **EVERY** non-dispositive motion. A proposed order must be submitted via e-mail in a Word compatible format as instructed in the CM/ECF system's "Proposed Orders" event. The proposed orders must be e-mailed to: [brown\\_orders@txnd.uscourts.gov](mailto:brown_orders@txnd.uscourts.gov) and must include the case number and the document number of the referenced motion in the subject line. Copy opposing counsel on the email when submitting the proposed order.
- I. ***Citations to the Evidentiary Record*** - All positions and statements contained in the body of any motion, response, or reply must contain specific cites to the record supporting the party's statement in the body of the document. The Court will not search the record for evidence and may not consider any evidence that is not specifically cited in the parties' briefs.
- J. ***Citations to Law*** – All legal positions and statements contained in the body of any motion, response, or reply must contain specific cites to the law in the body of the document. The Court prefers case law citations to Westlaw.
- K. ***Footnotes*** – Limit footnotes to only explanatory statements and dicta.

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### III. NOTICE TO PARTIES ASSERTING FEDERAL JURISDICTION IN DIVERSITY CASES

- A. Under 28 U.S.C. § 1332 there must be complete diversity between plaintiffs and defendants. Complete diversity requires that all persons on one side of the controversy be citizens of different states from all persons on the other side. The party asserting federal jurisdiction in a diversity action has the burden to demonstrate complete diversity. *Howery v. Allstate Ins. Co.*, 243 F.3d 912, 916 (5th Cir. 2001). Parties must make “clear, distinct, and precise affirmative jurisdictional allegations.” *MidCap Media Fin., L.L.C. v. Pathway Data, Inc.*, 929 F.3d 310, 313 (5th Cir. 2019).
1. **Individuals:** For individuals, pleading residence is insufficient; the notice of removal must plead their citizenship. *MidCap Media Fin., L.L.C. v. Pathway Data, Inc.*, 929 F.3d 310, 313 (5th Cir. 2019).
  2. **LLCS, Partnerships, and Unincorporated Associations:** The citizenship of a limited-liability business organization is determined by the citizenship of its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). Similarly, the citizenship of a partnership is determined by the citizenship of all its partners. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990); *Corfield v. Dallas Glen Hills, L.P.*, 355 F.3d 853, 856 n.3 (5th Cir. 2003). “A party seeking to establish diversity jurisdiction must specifically allege the citizenship of every member of every LLC or partnership involved in a litigation.” *Settlement Funding, L.L.C. v. Rapid Settlements, Ltd.*, 851 F.3d 530, 536 (5th Cir. 2017). When members or partners are themselves entities or associations, citizenship must be traced through however many layers of members/partners there are until arriving at the entity that is not a limited liability entity or partnership and identifying its citizenship status. *See Mullins v. TestAmerica, Inc.*, 564 F.3d 386, 397-98 (5th Cir. 2009).
    - If the members of an LLC or partners of a partnership are unknown to the removing party even after a diligent investigation, the removing party may allege its citizenship on information and belief. *Lincoln Ben. Life Co. v. AEI Life, LLC*, 800 F.3d 99 (3d Cir. 2015). Before doing so, the removing party should consult the sources at its disposal, including court filings and other public records to ensure good faith pleading. *Id.* at 108.
  3. **Corporations:** A corporation is a citizen of its state(s) of incorporation *and* of the state in which its principal place of business is located, as determined by the “nerve center” test. 28 U.S.C. § 1332(c)(1); *Lincoln Property Co. v. Roche*, 546 U.S. 81 (2005); *Hertz Corp. v. Friend*, 559 U.S. 77 (2010). The

removing party must allege *both* a corporation's state of incorporation and its principal place of business. *MidCap Media Fin., L.L.C. v. Pathway Data, Inc.*, 929 F.3d 310, 314 (5th Cir. 2019).

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#### **IV. TRIAL PROCEDURES AND VOIR DIRE**

- A. Trial and pretrial procedures are detailed in the Court’s scheduling order and are discussed at the pretrial conference. The Judge typically allows the parties to conduct the bulk of voir dire. As detailed in the scheduling order, the Court asks the parties to submit written questions in advance of the trial that they would like the Court to ask of the panel.
  
- B. Judge Brown’s courtroom has an ELMO projector and ClickShare. Attorneys are required to schedule a training session prior to trial. Please reach out to Lisa Matz, the Courtroom Deputy, at [lisa\\_matz@txnd.uscourts.gov](mailto:lisa_matz@txnd.uscourts.gov) to schedule a training time.

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V. CONTACT WITH COURT PERSONNEL

- A. For civil case management, telephone or e-mail inquiries should be made to Cynthia Thornton, 214-753-2343, [cynthia\\_thornton@txnd.uscourts.gov](mailto:cynthia_thornton@txnd.uscourts.gov).
- B. For criminal case management, telephone or e-mail inquiries should be made to Lisa Matz, 214-753-2683, [lisa\\_matz@txnd.uscourts.gov](mailto:lisa_matz@txnd.uscourts.gov).
- C. Do not make any inquiries to Judge Brown or her law clerks.
- D. Inquiries about motions and the case status should be in writing.

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**VI. MISCELLANEOUS PROCEDURES**

- A. ***Requests for Extensions and Continuances*** - All requests for extensions of time and continuances must be submitted by written motion to the Court after a conference with opposing counsel. Please do not call the Court to ask for an extension or continuance. The parties must file requests for extensions of time as motions, rather than as stipulations.
- B. ***Status of Pending Motions*** - Please do not call to inquire about the status of a pending motion.
- C. ***Phone Calls to the Court*** – If you have a bonafide emergency situation of which the Court should be aware, please make a good faith attempt to include opposing counsel on the call. Leave a message explaining the situation. Leave your name and the name of the party you are represent along with the case number, and the Court will respond to your emergency as soon as possible.
- D. ***No one under the age of 18 is allowed in the courtroom.***
- E. ***Notice of settlement discussions*** - Notify the Court by letter or email whenever serious settlement discussions are underway. The Court will postpone consideration of pending motions until advised of success or impasse.
- F. ***Revisions*** - The Court adheres to these procedures and forms to answer common questions that arise during litigation, to reduce confusion as to the Court's preferences, and to guide the proper and efficient resolution of the par-ties' disputes. The Court revises these materials as experience dictates and provides updated versions on its website.

**It is so ORDERED.**



**Ada Brown**

**UNITED STATES DISTRICT JUDGE**



# **ATTACHMENT 1**

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

_____ ,	§	
	§	
Plaintiff(s),	§	
	§	
v.	§	CIVIL ACTION NO. _____
	§	
_____ ,	§	
	§	
Defendant(s).	§	

**JOINT DISCOVERY/CASE MANAGEMENT PLAN  
UNDER FEDERAL RULES OF CIVIL PROCEDURE RULE 26(f)**

**PLEASE RESTATE THE RESPECTIVE INSTRUCTION BELOW, BEFORE FURNISHING  
THE INFORMATION.**

1. State when and how the meeting of the parties required by Rule 26(f) was held, and identify the counsel or self-represented litigant who attended for each party.
2. List the cases related to this one that are pending in any state or federal court—including the case number and court—and state how the cases are related.
3. Briefly describe what this case is about—including a statement of the claims and defenses.
4. Identify a proposed time limit to file motions for leave to join other parties.
5. Identify a proposed time limit to amend the pleadings.
6. Identify proposed time limits to file various types of motions, including dispositive motions (NOTE: The dispositive motion deadline cannot be less than 90 days before trial; the Court prefers the deadline to occur 120 days before trial);
7. Specify the allegation of federal jurisdiction.
8. Identify the parties who disagree and the reasons.
9. Identify any issues as to service of process, personal jurisdiction, or venue.
10. List anticipated additional parties that should be included and when they can be added, and identify any class or collective-action certification issues.
11. State whether each party has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures and the dates.

12. If the case includes a claim for attorneys' fees, state whether the parties agree to submit the fees issue to the court for resolution on affidavits or declarations, after the other issues are resolved.
13. Describe the proposed discovery plan, including:
  - A. A proposed plan and schedule for discovery, a statement of the subjects on which discovery may be needed, a time limit to complete factual discovery and expert discovery, and a statement of whether discovery should be conducted in phases or limited to or focused upon particular issues.
  - B. Responses to the matters raised in Rule 26(f), including any agreements reached concerning electronic and other discovery and any disputed issues relating to electronic and other discovery.
  - C. When and to whom the plaintiff anticipates it may send interrogatories and requests for production.
  - D. When and to whom the defendant anticipates it may send interrogatories and requests for production.
  - E. Of whom and by when the plaintiff anticipates taking oral depositions, and whether they can be done by remote means, such as by zoom.
  - F. Of whom and by when the defendant anticipates taking oral depositions, and whether they can be done by remote means, such as by zoom.
  - G. Any threshold issues—such as limitations, jurisdiction, or immunity—that should be scheduled for early resolution, what discovery targeted to those issues may need to occur early, and how long this targeted discovery will take.
  - H. Any experts needed on issues other than attorneys' fees.
  - I. If medical experts are needed, whether they are only treating physicians or also designated on other issues.
  - J. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and to provide their reports.
  - K. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date, and whether they can be done by remote means, such as by zoom. *See* Fed. R. Civ. P. 26(a)(2)(B) (enumerating rules on disclosure of expert testimony and the corresponding written report(s)).
  - L. List expert depositions the opposing party anticipates taking and their anticipated completion date, and whether they can be done by remote means, such as by zoom.

*See Fed. R. Civ. P. 26(a)(2)(B) (expert report).*

- M. In a case involving parties that are unincorporated entities, such as an LLC or LLP, state the citizenship of every member and file an affidavit or declaration setting out the citizenship of every member.
  - N. What changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed;
  - O. Proposed means for disclosure or discovery of electronically stored information (“ESI”) and a statement of any disputes regarding the disclosure or discovery of ESI;
  - P. The depositions that need to be taken, and in what sequence;
  - Q. Any proposals regarding the handling and protection of privileged or trial-preparation material that should be reflected in a court order;
14. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.
  15. Specify the discovery beyond initial disclosures that has been undertaken to date.
  16. State the date the planned discovery can reasonably be completed.
  17. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting or have emerged since then.
  18. From the attorneys’ discussion with the clients, state the alternative dispute resolution techniques that are reasonably suitable and when they are likely to be effective in this case. Include (i) whether the parties are considering mediation or arbitration to resolve this litigation; (ii) a statement of when it would be most effective (e.g., before discovery, after limited discovery, after motions are filed, etc.); and (iii) if mediation is proposed, the name of any mediator the parties jointly recommend to mediate the case;
  19. State whether the parties will consent to trial (jury or non-jury) before a U.S. Magistrate Judge;
  20. State whether a jury demand has been made and if it was made on time.
  21. State a proposed trial date, estimated number of days required for trial and whether jury has been demanded—specify the number of hours it will likely take to present the evidence.
  22. Objections to Fed. R. Civ. P. 26(a)(1) asserted at the Scheduling Conference, and other proposed modifications to the timing, form or requirement for disclosures under Rule 26(a), including a statement as to when disclosures under Rule 26(a)(1) were made or will be made;

23. List pending motions that may be ruled on at the initial pretrial and scheduling conference.
24. List other pending motions.
25. List the names, bar numbers, addresses, telephone numbers, and emails of all counsel and unrepresented parties.
26. List any other proposals regarding scheduling and discovery that the parties believe will facilitate expeditious and orderly preparation for trial;
27. List whether a conference with the Court is desired;
28. List any other matters relevant to the status and disposition of this case, including any other Orders that should be entered by the Court under Federal Rules of Civil Procedure 16(b), 16(c) or 26(c); and
29. A statement that counsel have read (i) the *Dondi* opinion—*Dondi Properties Corp. v. Com. Sav. & Loan Ass'n*, 121 F.R.D. 284, 285 (N.D. Tex. 1988) (per curiam)—and (ii) the District’s Civil Justice Expense and Delay Reduction Plan (<http://www.txnd.uscourts.gov/sites/default/files/documents/cjedrp.pdf>).

**FOR CONVENIENCE, THE COURT PROVIDES THE FOLLOWING CRITICAL DEADLINES CHART FOR THE PARTIES TO REVISE, MAKE ADDITIONS, AND COMPLETE, AS AGREED:**

Deadline for Joint Report naming mediator	
Deadline for Completion of Mediation	
Deadline for Motions for Leave to Join Parties or Amend Pleadings	
Plaintiff's Expert Designation & Report	
Defendant's Expert Designation & Report	
Rebuttal Expert Designation	
Deadline for Completion of Discovery	
Deadline for Expert Objections	
Deadline for Dispositive Motions	
Deadline for Pretrial Disclosures and Objections	
Deadline for Pretrial Materials (pretrial order etc.)	
Settlement Conference	<i>Ten days prior to the pretrial conference</i>
Exchange of Exhibits	<i>Two business days prior to the pretrial conference</i>
Pretrial Conference	<i>Friday before trial—at 10:00 a.m.</i>
Trial Date	

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Counsel for Plaintiff(s)

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Date

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Counsel for Defendant(s)

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Date

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