PROCEDURES MANUAL
UNITED STATES
MAGISTRATE JUDGE
DENA HANOVICE PALERMO

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GENERAL OVERVIEW OF PROCEDURES

The following are procedures which, in addition to the Federal Rules of Civil Procedure, and the Local Rules of the Southern District of Texas, will govern all cases before United States Magistrate Dena Hanovice Palermo.

I. CHAMBERS INFORMATION:

Address:	515 Rusk, Room 7727, Houston, Texas 77002
Location:	7th floor of the Federal Building, 515 Rusk, Room 7727
Telephone:	(713) 250-2702
Courtroom:	702
Staff:	Carol Felchak, Case Manager United States District Clerk P.O. Box 61010 Houston, Texas 77208 (713) 250-2702
Email:	palermochambers@txs.uscourts.gov

II. COMMUNICATIONS WITH COURT AND COURT PERSONNEL

1. Parties should communicate with the Court regarding motions, hearings, and all other matters through the Case Manager with copies to all counsel. There shall be no ex parte communications with the Court.

2. Parties must file copies of all letters. Email correspondences will be docketed at the Court's discretion.

3. Ex-parte contact by counsel through the law clerks is strictly forbidden. The law clerks may not discuss any cases, motions pending before the Court, or Court procedures with parties or attorneys.

4. At times, the Court, in its discretion, may direct that the law clerks contact the attorneys in a case regarding a specific matter. Attorneys shall, however, refrain

from discussing any issue that law clerks have not raised. The law clerks have been directed to report any and all attorney communications to Judge Palermo.

5. Information regarding the filing of documents, entry of orders, or docket entries should be obtained from the CM/ECF or Pacer system, or if absolutely necessary from the Civil Docket Coordination Center of the United States District Clerk's Office, reachable at (713) 250-5115.

6. Parties may hand-deliver or email **urgent** matters to the Court's Case Manager, with copies to all parties.

7. Parties should transmit service copies to all counsel of record simultaneously or before, and in the same manner, as they transmit them to the Court.

8. If the Court receives a document emailed to the Case Manager after 5:00 p.m., the Judge will not see the document until the next morning.

9. All case-related correspondence must be addressed to:

    Carol Felchak,
    Case Manager to Judge Dena Palermo
    515 Rusk Street, Room 7727
    Houston, Texas 77002

    or emailed to Chambers at:

    palermochambers@txs.uscourts.gov

10. Parties should address all questions regarding any criminal matters to the Case Manager, who may be reached at (713) 250-2702.

III. DECORUM

1. Counsel, parties, and witnesses are expected to address the Court with the customary respect, and conduct themselves with the usual decorum and dignity for the proceedings in accordance with S.D. TEX. LOCAL RULE 83.8, Appendix C.

2. The proper way to address the Court, orally or in writing, is Judge Palermo, or Your Honor. In the courtroom, Counsel is expected to stand when addressing and when being addressed by the Court.

3. All counsel, parties, witnesses and spectators must refrain from chewing gum, drinking, eating, smoking, wearing hats, or reading newspapers, books, email, etc. in the courtroom.

4. All cellular telephones, beepers, and other electronic devices must be turned off before entering the courtroom, and may not be operated in the courtroom without the Court's permission. Computers or cell phones may be used with respect to the hearing or trial of the case. Otherwise, cell phones and computers must be turned off.

5. Counsel and parties are expected to be seated at the counsel tables and ready to proceed when Court is called into session. **Counsel may drink water in the courtroom (provided at the counsel table), but no other eating or drinking is permissible.**

6. Counsel may question witnesses either while standing at the lectern, or seated at the counsel table, whichever is preferred. Counsel must be sure to speak directly into the microphone for the record to be clear.

7. Dress Code:

   a. All attorneys appearing before Judge Palermo must wear professional attire.[1]

   b. Parties and witnesses should wear attire appropriate for the courtroom.

IV. INITIAL CONFERENCES AND DOCKET CONTROL ORDERS

1. **Prior** to any scheduled Rule 16 Conference, the parties **must**:

   a. Conduct the initial FED. R. CIV. P. 26 meeting, make mandatory disclosures in accordance with that Rule; and

   b. File the Joint Discovery/Case Management Plan at least seven (7) business days before the Initial Conference.

The Court encourages parties to identify the significant documents at issue and to exchange them before the Initial Conference.

NOTE: In certain employment cases alleging adverse actions, the Court uses the "Initial Discovery Protocols for Employment Cases Alleging Adverse Action" (*see* attachment 4). The Protocols with instructions are available as a separate attachment to these Procedures. The Protocols are not to be served in cases in which they are inapplicable.

[1] Examples include, for men: a shirt, tie, and suit or sports coat with slacks; for women: a skirt suit, pantsuit, or dress. (Stockings are not required).

2. Please refer to Local Rule 16.1 and *See* Section VI below ("Attorney Appearances") for general procedures for conferences. In addition:

    a. Be prepared to discuss every aspect of the case, including the discovery plan, settlement possibilities, and mediation.

    b. The Court may hear oral argument on pending dispositive matters at the Rule 16 Conference.

3. The Scheduling Order produced at the Rule 16 Conference will control the subsequent course of the case.

4. When the parties consent to trial before Judge Palermo, any previously entered Scheduling Order and trial date the prior Judge set may be changed.

5. A second Rule 16 Conference may be held before Judge Palermo to re-set the deadlines that will govern the case. The Scheduling Order entered for consent cases will contain a date certain for trial.

V. DISCOVERY AND SCHEDULING DISPUTES

1. Counsel should resolve most discovery and scheduling disputes without the intervention of the Court. Compromise is encouraged.

2. If counsel are unable to reach an agreement, then any party may request a conference with the Court in a brief **letter** (no more than 2 pages) summarizing the relief sought. The request MUST specify the date, time and place of the parties' prior out-of-court discovery or scheduling discussion(s), the names of all counsel participating therein, and give a *brief* summary of the results of the discussions.

3. Counsel for the party opposing the request giving rise to the conference shall submit a response to the requester's letter at least 24 hours before the conference.

4. The Court will dispose of discovery disputes at the conference to the extent possible. If a written motion is necessary, the issues to be addressed and a briefing schedule will be established during the conference.

5. If parties seek Court intervention for a dispute concerning discovery of electronic data, they shall bring in person or have available by zoom at the conference a person with detailed knowledge of the computers and electronic databases in issue. This computer and database expertise will permit reliable responses to the Court's inquiries and will assist the Court in developing an appropriate resolution of the dispute.

6. **Discovery Requests and Objections**

All parties are expected to frame their interrogatories, document requests, deposition notices, and requests for admission to meet the relevance and proportionality requirements of Rule 26(b)(1). Parties may not ask for more than what is needed for the case, or object and refuse to produce what is needed for the case, for strategic or tactical reasons, motivating settlement to avoid the discovery.

Boilerplate objections in response to discovery requests are prohibited. Parties may not simply raise or list general objections. For example, a party may not include a "Preamble" or a "General Objections" section stating that the party objects to the discovery request "to the extent that" it violates some discovery rule, such as the attorney-client privilege or work-product protection, or the prohibition against vague, ambiguous, overly broad, or unduly burdensome requests. Instead, as the 2015 amendments make clear, objections to discovery requests must be specific.

Objections to individual discovery requests must be specific and must present only objections that actually apply to that request. A party who objects to a discovery request and also responds "subject to the objections" must indicate whether the response is complete, that is, whether additional information or documents would have been provided but for the objections. A party may not object and state, "Subject to these objections and without waiving them, the response is as follows." Instead, the response must specifically identify whether information is withheld based on the objections and if so provide enough information about what is not produced or provided to enable further inquiry if appropriate.

Similarly, a party may not state that some of the information is produced and more will be provided later, but must instead state that it will be provided by the requested date or by another specified reasonable date. This requirement is now included in Rule 34(b)(2)(C).

Because this ban on boilerplate or general objections is so useful for proportional discovery, it applies to other forms of discovery requests besides Rule 34 requests for production.

VI. ATTORNEY APPEARANCES

1. An attorney who appears at a hearing or conference before Judge Palermo **MUST** be familiar with the case, have authority to bind the client, and be in charge for that appearance.

    a. Speaking Opportunities in Court Appearances and Proceedings

Today there are fewer opportunities for lawyers to speak in court. This is particularly true for women, minorities, and junior lawyers.[2] Recognizing the importance of the development of future generations of practitioners through courtroom opportunities, the Court invites lawyers to argue motions they have helped prepare and to question witnesses with whom they have worked. The Court encourages all experienced senior or supervisory lawyers, and their clients, to allow less experienced lawyers to have speaking roles in Court, particularly when these lawyers have drafted or contributed significantly to preparing the motion, response, witness, or for the hearing or trial. Although the ultimate decision of who speaks on behalf of the client is for the lawyer in charge of the case, the Court will take into consideration providing opportunities for these lawyers to participate when deciding whether to grant requests for oral argument on motions or issues that the Court would usually or otherwise decide on the papers.

2. The Court holds most hearings and conferences over Zoom. Out of town counsel may wish to participate in conferences via Zoom. Requests for zoom conferences shall be made in writing to the Court, either in the form of a motion or a letter. The request should be submitted to the Court at least two days before the scheduled hearing. The request should be filed as any other court document.

3. Counsel and pro-se litigants shall notify the Case Manager **immediately in writing** of the resolution of any matter that is set for a trial or hearing.

4. Failure to appear at any Court setting may subject the attorney and/or his or her client to appropriate sanctions, including dismissal of the matter.

5. Motions for admission *pro hac vice* shall include the attorney applicant's averment that he or she has familiarized him/herself with the Local Rules of the Southern District of Texas *and* these Procedures applicable to all cases before Judge Palermo.

VII. MOTION PRACTICE

1. Counsel must make serious and timely efforts to **confer** with opposing counsel on all motions to try to reach agreements on the relief movant seeks. This requires counsel **to speak** with each other. **The exchange of letters or email does not satisfy this requirement.**

2. All motions must otherwise follow the written motion practice outlined in the Local Rules for the Southern District of Texas (*see* Local Rule 7).

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[2] *See, e.g.,* http://www.newyorklawjournal.com/id=1202796294508/Rule-Changes-Underway-in-Eastern-District-to-Support-Diversity?mcode=1202617075062&curindex=1&slreturn=20170724155930; http://www.nysba.org/WomensTaskForceReport;

3. Any party wishing to make a formal discovery motion should arrange for a conference with the Court **before** submission of **any** motion papers. (*See* Rule V.2 above).

4. Generally, the Court will consider opposed motions after expiration of 28 days from the motion filing date. When circumstances dictate, the Court may consider a motion prior to expiration of the 28 day period.

5. The nonmovant must file a response within 21 calendar days of the motion. Upon expiration of the 21 day response period, the motion is ripe for submission and the Court may rule on it anytime thereafter.

6. In some instances, the Court may shorten the filing deadline for a response. A party may file a motion to request that the date be extended.

7. The movant must file any reply within 7 calendar days after the non-movant's response.

8. The parties may agree to extend a motion submission day, but must give the Court prompt written notice of the agreement, with a proposed order granting the extension. Parties' agreed extensions beyond a Court- imposed deadline require Court approval. Parties may not extend the dispositive motion deadline without Court approval as this impacts the trial setting.

9. The Court in its discretion may grant unopposed motions for extension of a submission date. The Court will only consider opposed motions for extension if they are timely filed.

10. Unless the Scheduling Order provides to the contrary, or unless leave of Court is granted, the Court will not consider any motion filed within one week of the trial setting.

11. Parties shall submit **in writing** all requests for expedited consideration of motions, as well as all requests for oral argument on motions submitted for Judge Palermo's consideration. Parties should file such requests with the Clerk of Court in the usual manner.

12. The Court will not, as a matter of course, conduct a hearing on every motion that is filed. The Court will schedule a hearing if one is deemed necessary to determine the propriety of the relief sought. Any party may request a hearing on any motion, if they believe that an oral argument will assist the Court in ruling on the motion.

13. All pleadings or other documents filed under seal in a civil case must be identified as "SEALED" in the title of the document. For example, a motion for summary

judgment filed under seal must be docketed as "MOTION for Summary Judgment (SEALED)." No motion is necessary for motions to be filed under seal.

VIII. MEMORANDA OF LAW

1. The Court requires concise, pertinent and well organized memoranda of law.

2. The memorandum of law, proposed findings, and proposed conclusions at a minimum should address the following:

   a. The *prima facie* elements of each cause of action and defense asserted,
   b. Legal definitions and relevant legal authority
   c. Components of damages
   d. Methods of calculation of damages

3. Without leave of Court, all memoranda of law are limited to 25 pages, 14-point type-font, double-spaced, with 1" margins.

IX. TRIAL SETTINGS

1. All consent cases referred to Judge Palermo will receive preferential trial setting and will be set for a **date certain** at the Initial Conference.

2. Unless an attorney has actually begun trial in another court, other court settings will not cause a case in this Court to be continued.

3. It is this Court's policy to conduct the trial proceedings in such a way so as to complete the trial as quickly and efficiently as possible. Counsel are instructed to have **all** their respective witnesses readily available to offer testimony in accord with the scheduling policy of the Court.

4. To make a clear record of the trial, counsel are advised to speak clearly and directly into the microphones provided. There are microphones at each counsel table, the podium, the witness box, and in front of the bench.

5. While the case is being tried, it remains the parties' responsibility to file their own documents with the Clerk's office.

6. The Court may, in its discretion, impose a timing order on the parties in any trial where the Court deems it necessary to more efficiently expedite the presentation of the evidence.

X. TRIAL

1. **Pretrial conferences** are held immediately prior to trial.

2. Counsel for the plaintiff is responsible for ensuring that the **Joint Pretrial Order** is timely filed. If, for some reason, the plaintiff fails to file the Joint Pretrial Order, the defendant(s) is responsible for filing its part of the Pretrial Order.

3. The Joint Pretrial Order is due one week prior to the trial setting.

4. Failure to file the Joint Pretrial Order timely will subject counsel and the client to sanctions, including dismissal for want of prosecution and/or other appropriate relief. This applies also to parties appearing *pro se*.

5. **All parties are responsible for complying with the requirements of the final Joint Pretrial Order.**

6. For **All Trials and Evidentiary Hearings**, the Joint Pretrial Order shall contain, at a minimum, the following:

    a. Each side's claims and affirmative defenses
    b. Contested and Uncontested Issues of Fact and how they relate or are applicable to each side's claims and defenses
    c. Contested and Uncontested Issues of Law and how they relate or are applicable to each side's claims and defenses
    d. Witness Lists for all parties in the form provided by the Clerk's Office.
    e. Exhibit Lists for all parties in the form provided by the Clerk's Office
    f. Trial Briefs or Memorandum of Law on relevant issues in the case.
    g. Designation of deposition excerpts for witnesses being called by deposition. A copy of each deposition excerpt must be provided to the Court.
    h. Objections, if any, to an opponent's exhibits, witnesses or depositions excerpts. Parties must file objections within seven (7) business days before trial.

NOTE: The Court may, from time to time, allow the parties to file supplemental briefing following the conclusion of a trial.

7. For **Bench Trials,** the Joint Pretrial Order must include Proposed Findings of Fact and Conclusions of Law in addition to the materials listed above (*see* Rule X.7). Parties must submit Findings of Fact and Conclusions of Law in Word via email.

8. For **Jury Trials,** the Joint Pretrial Order must include the following in addition to the materials listed above (*see* Rule X.7):

    a. Proposed Voir Dire Questions

b. Proposed Jury Instructions and Jury Questions
c. Joint Proposed Jury Charge (*see* X.12 below)

9. **Motions in Limine.** Unless otherwise ordered, Motions in Limine shall be filed with the Joint Pretrial Order. An Order must be included with the Motion in Limine.

10. **Voir Dire.**

    a. The Court will commence jury selection with some general opening remarks, but allows counsel to conduct the voir dire, provided that the voir dire questions are included in the Joint Pretrial Order.
    b. The Court may impose time limitations for voir dire.
    c. In some circumstances, the Judge alone may conduct the voir dire.

11. **Joint Proposed Jury Charge.** Parties should observe the following additional instructions for the joint proposed jury charge:

    a. Each requested instruction must be numbered and presented with authority.

    b. The parties shall include in the proposed jury charge all necessary instructions or definitions.

    c. At a minimum, the instructions shall include:

        i. *Prima facie* elements of each cause of action and defense asserted
        ii. Findings of Fact
        iii. Legal definitions required by the Jury
        iv. Items of damages
        v. Methods of calculation of damages.

12. Counsel are to use the Fifth Circuit Pattern Jury Instructions, as modified by case law or statutory amendments, whenever possible. Counsel must identify and provide legal authorities for any proposed deviation from these guidelines.

13. Even if the parties, in good faith, cannot agree on all instructions, definitions or questions, the parties should nonetheless submit a single, **unified charge**.

14. Each disputed instruction, definition, or question should be set out in bold type, underlined or italics and identified as disputed. Each disputed item should be labelled to show which party is requesting the disputed language. Accompanying each instruction shall be all authority or related materials upon which each party relies.

15. The parties shall also submit the proposed charge in Word via email.

16. **Jury Matters.**

a. While a jury is deliberating, counsel are to remain near the courtroom to be available immediately for jury notes or a verdict unless the Court has given permission to leave.

b. After the jury is excused, counsel may **not** contact jurors unless the Court permits them to do so. *See* S.D. TEX. LOCAL RULE 47.

17. **Exhibits.**

a. Parties shall mark and number all exhibits prior to trial. Such numbering shall correspond to the exhibit list included in the Joint Pretrial Order.

b. Counsel shall exchange all pre-marked and numbered exhibits at the time the Joint Pretrial Order is filed, unless they agree to a later date.

c. Parties shall provide current and complete exhibit lists in the Joint Pretrial Order.

d. Generally, the Court will not consider for admission any exhibit which has not been disclosed in the Joint Pretrial Order unless the party offering it shows extraordinary circumstances for its omission. Under these circumstances, the parties must provide the Court with an updated exhibit list.

e. Counsel for each party shall assemble all documents, photographs, or other materials that they expect to use at trial, and make the same available to opposing counsel 10 days prior to the date the Joint Pretrial Order is due.

f. Counsel are required to submit joint exhibits to avoid voluminous duplication. Joint Exhibits must be so designated with the case name, case number, and appropriate exhibit number.

g. Counsel for each party shall provide the Court with a set of the exhibits in a notebook. Each party must provide the trial witnesses with a similar notebook.

h. Counsel requiring authentication of an opponent's exhibit must notify offering counsel within seven (7) days after the exhibit is identified and made available for examination. Failure to do so is an admission of authenticity.

i. Unless the Court directs otherwise, a party in a civil case may offer in evidence any exhibits listed in the final Joint Pretrial Order ***unless*** opposing counsel files specific written objections within seven (7) days after the Joint Pretrial Order is filed.

j. The Court will rule on all objections to the exhibits at the Final Pretrial Conference or on the first day of trial, to the extent possible.

k. All exhibits will be offered and received in evidence as the first order of business at trial. Once admitted, the exhibits are to be kept on the Court's exhibit table at all times, until the completion of trial.

l. **Exhibits in Jury Trials.** For Jury Trials, parties shall observe the following rules in addition to those listed above (*see* Rule X.17):

    i. Counsel may **not** pass exhibits to the jury during trial without obtaining the Court's permission in advance.

    ii. Exhibits must be identified before the jury before they will be received in evidence. Only exhibits admitted during trial will go to the jury during its deliberations.

m. The Court endeavors to rule on objections to exhibits outside the presence of the jury and will do so prior to opening statements, to the extent possible.

18. **Disposition of Exhibits.** Counsel should become familiar with S.D. TEX. LOCAL RULE 79.2 regarding disposition of exhibits following trial.

    a. At the conclusion of trial, counsel must withdraw all exhibits offered and received in evidence, and sign a *Receipt for Withdrawal of Exhibits*.

    b. In the event of a bench trial, the Court will retain the copies of the exhibits provided to it by the parties, and may request the retention of additional exhibits pending the final resolution of the matter.

    c. Following the completion of trial, counsel may, in the alternative, immediately notify the Clerk of Court in writing of their consent to the disposal of the exhibits.

19. **Witnesses.**

    a. Counsel is responsible for summoning a witness into the courtroom and instructing them as to proper courtroom decorum (*see* Section III above).

    b. Counsel should bear in mind the Court's hours and arrange for witnesses accordingly.

    c. The Court will not recess to permit counsel to call a missing witness unless the witness has failed to appear in violation of a properly served subpoena.

d. Counsel shall make every effort to elicit from the witness only information relevant to the issues in the case and to avoid cumulative testimony.

e. Witness rooms are available for the parties' use and are located on the 7th Floor, readily accessible to the courtroom. Please contact the Case Manager on or before the first day of trial to ensure that the witness rooms are unlocked the day of trial, and have been appropriately reserved for each party.

XI. CONTINUANCES

1. The Scheduling Order gives a date certain for trial. The Court will consider motions for continuance only if they are filed at least two weeks prior to the trial date provided in the Scheduling Order. Any response to a motion for continuance shall be filed at least one week prior to the scheduled trial date.

2. Parties **must** notify the Court of agreed continuances and submit an agreed motion and proposed order.

3. Agreed motions for continuance are not binding, and they will be granted only at the discretion of the Court.

4. Vacation letters will only be honored if they are filed in advance of the trial setting and in accordance with the rules of the State Court.

XII. COURTROOM PROCEDURES

1. **Filing of Documents:**
    a. Parties must file all original documents through the CM/ECF system (*see* Rule II.5). Handing documents to the Court or Case Manager does **not** constitute filing of the documents in the CM/ECF system.

    b. Copies of documents filed within seven (7) days prior to and during trial should be submitted to the Case Manager **IN DUPLICATE.**

2. **Courtroom Hours:** The Court's hours during trial will vary depending upon the type of case and the needs of the parties, counsel, witnesses, and the Court. Court will normally convene at 9:00 a.m. and adjourn by 5:00 p.m., with a 12:00 p.m. to 1:00 p.m. lunch recess.

3. **Access to the Courtroom:** Enter and leave the courtroom only through the main doors. Do not use the Court's entrance or the jury entrances. Counsel requiring access to the courtroom to set up any equipment or exhibits prior to trial, before or after normal hours of court, must arrange in advance with the Case Manager to have the courtroom open.

4. **Seating:** Plaintiff shall be seated at the table closer to the entrance to the courtroom. Defendants shall be seated at the table closer to the window.

5. **Equipment:**
    a. The Court has some equipment available in the courtroom, which counsel is invited to use during trial. Counsel may contact the Case Manager to discuss available equipment, or to make arrangements to test the equipment.

    b. If counsel requires equipment not available in the courtroom, they must provide the Case Manager **in writing** with a list of all equipment to be used during trial so that appropriate security clearance from the United States Marshal Service can be timely obtained.

6. **Telephones**:
    a. The Judge's staff will not take telephone messages during the course of trial, and counsel shall refrain from requesting use of telephones in Chambers.

    b. An Attorney Conference Room is available on the 7th Floor.

XIII. SETTLEMENTS/DISMISSALS

1. The parties in every civil action must make a good faith effort to settle, and settlement negotiations shall be entered into at the earliest time possible, well in advance of any pretrial conference.

2. The Court will be available for settlement discussions upon the request and agreement of all concerned parties.

3. The Court strictly follows FED. R. CIV. P. 41(a) with regard to voluntary dismissals. Once an adverse party has answered in a case, all parties who have appeared in the case must sign an agreed stipulation of dismissal before a case will be dismissed.

4. If the parties reach a settlement, but the final settlement papers have not yet been completed, the parties may request a 30 or 60 day conditional Order of Dismissal. This Order technically dismisses the case, but allows the parties to reinstate the case within 30 or 60 days of the Order if the settlement cannot be finalized.

5. In accordance with FED. R. CIV. P. 4, the Court will dismiss for want of prosecution any defendant upon whom service has not been perfected within 90 days after the complaint is filed.

_____,	§	
Plaintiff(s),	§	
	§	CIVIL ACTION NO. 4: _____
v.	§	
	§	
	§	
	§	
	§	
_____,	§	
Defendant(s).	§	

CONSENT TO PROCEED BEFORE
UNITED STATES MAGISTRATE JUDGE
DENA HANOVICE PALERMO

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to this action waive their rights to proceed before a District Judge of the Court and consent to have United States Magistrate Judge Dena Hanovice Palermo conduct all further proceedings in the case, including hearings and rulings on motions, pretrial conferences and trial, and the entry of judgment. Counsel for all parties must execute this form.

_____ for _____

_____ for _____

_____ for _____

_____ for _____

ORDER TO REASSIGN

It is **ORDERED** that the Clerk of Court reassign this action to **United States Magistrate Judge Dena Hanovice Palermo** to conduct all further proceedings, including hearings and rulings on motions, pretrial conferences and trial, and the entry of final judgment in accordance with 28 U.S.C. § 636(c) and the consent of the parties.

_____ _____

Date UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

_____, Plaintiff(s),	§	
v.	§	CIVIL ACTION NO. 4:
_____, Defendant(s).	§	

DOCKET CONTROL ORDER

Anticipated Length of Trial: _____Days Jury:_____ Non-Jury:_____

The disposition of this case will be controlled by the following schedule:

1. (a) **NEW PARTIES** shall be joined by: _____
   The attorney causing the addition of new parties must provide copies of this Order to new parties.
   (b) **AMENDMENTS to PLEADINGS** by Plaintiff or Counter-Plaintiff shall be filed by: _____
   (**Absent parties' agreement or court approval, answers** may not be amended more than 21 days after this date. **Answers to amended claims and counterclaims** are due 21 days after amended claims or counterclaims are filed.)

2. **EXPERT WITNESSES for PLAINTIFF/COUNTER-PLAINTIFF** shall be identified and a report shall be filed listing the qualifications of each expert, each opinion the expert will present, and the basis for each opinion.DUE DATE: _____

3. **EXPERT WITNESSES for DEFENDANT/COUNTER-DEFENDANT** shall be identified and a report shall be filed listing the qualifications of each expert, each opinion the expert will present, and the basis for each opinion.DUE DATE: _____

3a. **REBUTTAL OPINIONS FROM EXISTING EXPERTS** _____

4. **DISCOVERY** must be completed by: _____
Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under the Federal Rules of Civil Procedure to respond until after the deadline.

5. **MEDIATION/ADR:**

_____ **Required** _____ **Strongly Suggested**

_____ **Parties' Option**

ADR TO BE COMPLETED by: _____

7. **DISPOSITIVE MOTIONS** will be filed by: _____

8. **ALL OTHER PRETRIAL MOTIONS** (including *Daubert*/*Kumho* motions, but *not* including other motions in limine) will be filed by: (Typically this date will match ¶ 6.) _____

9. **JOINT PRETRIAL ORDER** will be filed by: _____
Plaintiff is responsible for timely filing the complete Joint Pretrial Order in the form set forth in the published Court's Procedures.

10. **DOCKET CALL** is held in Courtroom 702, starting at ____ p.m. _____
on the date listed here. (The Court will set this date.)
Absent parties' agreement, no documents filed within 5 days before the Docket Call will be considered at Docket Call without prior permission of the Court to late file.

_____ _____

Date **DENA HANOVICE PALERMO**
UNITED STATES MAGISTRATE JUDGE

APPROVAL REQUESTED:

Counsel for Plaintiff(s)	Date
Counsel for Defendant(s)	Date

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

_____, Plaintiff(s),	§	
v.	§	CIVIL ACTION NO. 4:
_____, Defendant(s).	§	

JOINT DISCOVERY/CASE MANAGEMENT PLAN

*(Please **restate** the instruction in **bold** before furnishing the responsive information.)*

1. State where and when the conference among the parties required by Rule 26(f) of the Federal Rules of Civil Procedure was held, and identify the counsel who attended for each party, including name, address, bar number, phone and fax numbers and email addresses.

2. List the cases related to this one that are pending in any state or federal court with the case number and court, and state how they are related.

3. Briefly describe what this case is about.

4. Specify the allegation of federal jurisdiction.

5. Name the parties who disagree with the plaintiff's jurisdictional allegations and state their reasons.

6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

7. List anticipated interventions.

8. Describe class-action issues.

9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

10. Describe the proposed agreed discovery plan, including:

a. responses to all the matters raised in Rule 26(f), including any agreements (and disputes) concerning electronic discovery;

b. when and to whom the plaintiff anticipates it may send interrogatories;

c. when and to whom the defendant anticipates it may send interrogatories;

d. of whom and by when the plaintiff anticipates taking oral depositions;

e. of whom and by when the defendant anticipates taking oral depositions;

f. (i) the date experts for plaintiff (or party with the burden of proof on an issue) will be designated and their reports provided to opposing party;

(ii) the date experts for defendant will be designated and their reports provided to opposing party;

g. list of expert depositions the plaintiff (or party with the burden of proof on an issue) anticipates taking and their anticipated completion date (*see* Rule 26(a)(2)(B) (expert report)); and

h. list of expert depositions the defendant (or opposing party) anticipates taking and their anticipated completion date (*see* Rule 26(a)(2)(B) (expert report));

11. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.

12. Specify the discovery beyond initial disclosures that has been undertaken to date.

13. State the date the planned discovery can reasonably be completed.

14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in the Rule 26(f) meeting.

15. Describe what each party has done or agreed to do to bring about a prompt resolution of this dispute.

16. From the attorneys' discussion with their client(s), state the alternative dispute resolution techniques that are reasonably suitable.

17. State whether a jury demand has been made and if it was made on time.

18. Specify the number of hours it will take to try this case (including jury selection, presentation of evidence, counsel's opening statements and argument, and charging the jury).

19. List pending motions that could be ruled on at the initial pretrial conference.

20. List other pending motions.

21. Indicate other matters peculiar to this case, including but not limited to traditional and electronic discovery issues, that deserve the special attention of the Court at the conference.

22. Certify that all parties have filed Disclosure of Interested Persons as directed in the Order for Conference and Disclosure of Interested Persons, listing the date of filing for original and any amendments.

23. List the names, bar numbers, addresses, email addresses, and telephone numbers of all counsel.

_____ _____

Counsel for Plaintiff(s) Date

_____ _____

Counsel for Defendant(s) Date

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

_____, Plaintiff(s),	§	
v.	§	CIVIL ACTION NO. 4:
_____, Defendant(s).	§	

STANDING ORDER FOR CERTAIN EMPLOYMENT CASES

This court is participating in a Pilot Program for **INITIAL DISCOVERY PROTOCOLS FOR EMPLOYMENT CASES ALLEGING ADVERSE ACTION**, initiated by the Judicial Conference Advisory Committee on the Federal Rules of Civil Procedure (*see* **http://www.fjc.gov/public/pdf.nsf/lookup/discempl.pdf/$file/discempl.pdf**).

The Initial Discovery Protocols will apply to all employment cases pending in this court, filed on or after February 1, 2012, that challenge one or more actions alleged to be adverse, except:

1. class actions;
2. cases in which the allegations involve only the following:
    a. discrimination in hiring;
    b. harassment/hostile work environment;
    c. violations of wage and hour laws under the Fair Labor Standards Act (FLSA);
    d. failure to provide reasonable accommodations under the Americans with Disabilities Act (ADA);

e. violations of the Family Medical Leave Act (FMLA);

f. violations of the Employee Retirement Income Security Act (ERISA).

This court has determined that this case falls within the Pilot Program and is subject to the Initial Discovery Protocols. Parties and counsel in the Pilot Program must comply with the Initial Discovery Protocols attached to this order. If any party believes that there is good cause why this case should be exempted from the Initial Discovery Protocols, in whole or in part, that party may raise the issue with the court.

Within 30 days after the defendant's submission of a responsive pleading or motion, the parties must provide to one another the documents and information described in the Initial Discovery Protocols for the relevant time period. This obligation supersedes the parties' obligations to provide initial disclosures under F.R.C.P. 26(a)(l). The parties will use the documents and information exchanged in accordance with the Initial Discovery Protocols to prepare the F.R.C.P. 26(f) discovery plan.

The discovery provided under the Initial Discovery Protocols must comply with the F.R.C.P. obligations to certify and supplement discovery responses, as well as the form of production standards for documents and electronically stored information. As set forth in the Protocols, this Initial Discovery is not subject to objections, except on the grounds set forth in F.R.C.P. 26(b)(2)(B).

If any of the parties think that a protective order should be entered in this case, the part[y/ies] seeking the order should request an order from the court as soon as possible, but no later than 15 days after the defendant's submission of a responsive pleading or motion. A model protective order is attached to this order and contains possible provisions that the court might use

in a particular case. If the parties seek a protective order, the part[y/ies] seeking the order are encouraged to submit a proposed order that selects provisions the part[y/ies] believe[s] are appropriate.

SIGNED on _____, at Houston, Texas