

Form 3

Order for Scheduling Conference and
Disclosure of Interested Parties

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

_____ ,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil No. _____
	§	
_____ ,	§	
	§	
Defendant.	§	

**ORDER FOR SCHEDULING CONFERENCE AND
DISCLOSURE OF INTERESTED PARTIES**

1. The Scheduling Conference

Counsel and parties appearing *pro se* shall appear for a Scheduling Conference under Rule 16 of the Federal Rules of Civil Procedure:

**Month, Day, Year, at 00:00 a.m./p.m.
before _____**

Prior to the deadline for filing the Joint Discovery/Case Management Plan (the “CMP”) and the Proposed Scheduling and Docket Control Order (the “Proposed Scheduling Order”), *see* 4.a. *infra*, counsel and any unrepresented parties must meet to discuss the case and prepare the CMP and the Proposed Scheduling Order. The Court will discuss the results of the parties’ meeting, the CMP, and the Scheduling Order at the Scheduling Conference.

Counsel with knowledge of the case and with authority to address and agree to substantive as well as scheduling matters must attend both the Rule 26(f) meeting and Scheduling Conference with the Court. Unrepresented parties must also attend.

2. Disclosure of Interested Parties

Counsel and all unrepresented parties must also file with the Clerk, at least 15 days before the Scheduling Conference, a certificate listing all persons, associations, firms, partnerships, corporations, affiliates, parent corporations, or other entities, including any unincorporated entities such as LLCs or LLPs, that are financially interested in the outcome of this litigation. Underline the name of each corporation

whose securities are publicly traded. If new parties are added or if additional persons or entities financially interested in the outcome of the litigation are identified during this litigation, an amended certificate must be filed promptly with the Clerk. If an unincorporated entity is named as a party, the certificate must state the citizenship of every member of that entity.

3. Service

Within **90 days** of filing the complaint or removing this suit from state court, the plaintiff or plaintiffs filing this suit or the party removing it must serve the opposing party or parties with copies of (1) the summons, (2) the complaint, this order, and (4) this Court's Procedures. Failure to file proof of service may result in dismissal by the Court on its own initiative. *See* Fed. R. Civ. P. 4(m).

4. The Parties' Rule 26(f) Meeting

The parties must discuss at the Rule 26(f) meeting and include in the CMP and Proposed Scheduling Order filed with the Court all the matters listed in Rule 26(f) that apply to the case. In general, the Court expects the parties to discuss, address in their CMP, and be prepared to review with the Court, the topics that are set out below.

- a. The nature and basis of the parties' claims and defenses, and any threshold issues that need to be resolved, such as jurisdiction or limitations.
- b. The parties' plan for discovery needed to obtain the information that is relevant, not privileged, and proportional to the needs of the case.
- c. Whether there are issues or problems in the preservation, retrieval, review, disclosure, or production of discoverable information.
- d. Whether there are issues specifically relating to the disclosure or discovery of electronically stored information, including:
 - i. the form or forms in which it should be produced;
 - ii. the topics and the period for which discovery will be sought;
 - iii. the sources of information or systems within a party's control that should be searched;
 - iv. issues relating to preserving, retrieving, reviewing, disclosing, or producing electronically stored information; and

- v. other topics listed below or in Rules 16 and 26(f).

5. The Joint Discovery/Case Management Plan (CMP) and the Proposed Scheduling Order

The Rule 26(f) meeting is expected to result in the parties completing the CMP and the Proposed Scheduling Order, using the forms that are Attachments 1 and 2 to this Order. These forms may be modified or adapted to the needs of the particular case.

The parties are to file with the Court only one CMP and one Proposed Scheduling Order. Both must be signed by counsel for all parties and by any unrepresented parties. Counsel for the plaintiff is responsible for filing the CMP and Proposed Scheduling Order. If the plaintiff is unrepresented, counsel for the represented parties have the responsibility for filing the CMP and Proposed Scheduling Order.

If the parties cannot agree on matters that must or should be addressed in the CMP or Proposed Scheduling Order, the disagreements must be set out clearly in the joint filing. The Court will discuss the disputes with counsel and attempt to resolve them at the Scheduling Conference.

a. Timing

The parties must file the CMP and the proposed Scheduling Order no later than 14 days before the Scheduling Conference is scheduled.

b. Contents

The parties must discuss and include the matters listed on the attached forms in their Rule 26(f) meeting, the CMP, and the Proposed Scheduling Order.

6. Pre-Motion Conferences Required for Discovery and Other Pretrial Disputes

The Court encourages the parties to make a serious attempt to resolve all discovery and scheduling disputes without intervention by the Court. This includes motions to compel, quash any discovery, or for protection. Lead counsel must personally confer on all discovery and scheduling disputes as a final attempt at resolution prior to involving the Court.

Do not bring a motion on discovery and scheduling disputes without permission. To obtain permission, the party seeking relief must submit a letter not exceeding two pages. Identify the nature of the dispute, outline the issues, and state the contested

relief sought. Describe the conference between lead counsel and summarize the results. Send a copy to all counsel and unrepresented parties.

The opposing party should promptly submit a responsive letter of similar length identifying any disagreement. Do not submit a reply letter.

The foregoing letters should be sent by email to the Court's case manager at CM_DJGanjei@txs.uscourts.gov.

The Court may dispose of the dispute on the letters, schedule a telephonic or video conference, or may refer the matter to the assigned Magistrate Judge.

When the dispute includes discovery of electronic data, each party must have available at any conference a person with detailed knowledge of the computers and electronic databases in issue. The Court may rely on accurate responses from those individuals when ordering relief as to that aspect of any dispute.

Motions for extension of discovery must be filed far enough in advance of the deadline to enable opposing counsel to respond before the deadline.

7. Responsibilities of Counsel and *Pro Se* Parties

Counsel's designated attorney-in-charge must appear at the Scheduling Conference. The Court permits substitution of counsel for this conference only on showing of good cause. File and seek ruling on any such motion well in advance of the conference.

Any counsel or *pro se* party who appears at the conference must be:

- a. Fully familiar with the facts and the law applicable to the case, including having interviewed their witnesses;
- b. Prepared to argue any pending motion and to discuss any anticipated motion;
- c. Prepared to discuss potential alternative dispute resolution methods suited to the case; and
- d. Authorized to bind the client on all matters discussed at the conference.

8. Magistrate Judges

In any case set for an initial conference before the Magistrate Judge, the Judge is granted authority, even when the case has not been entirely referred, in their discretion to:

- a. Adjust the date of the conference as needed;
- b. Adjust the scheduling and docket control order as needed;
- c. Address and resolve and/or make recommendation upon any pending motion;
- d. Undertake settlement conference upon joint request or agreement by the parties; and
- e. Enforce all orders issued pursuant to their authority.

9. Binding Effect and Failure to Comply

The parties are bound by this Order, the papers mentioned above, and the dates set out in the Scheduling Order to be entered in this case.

Failure to comply with this Order may result in sanctions, including dismissal of the action and assessment of expenses.

It is **SO ORDERED**.

Signed this ___ of _____, 20__.

Nicholas J. Ganjei
United States District Judge