

**Form 4**

The Joint Discovery/Case Management Plan  
and  
Proposed Scheduling Order

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
\_\_\_\_\_ DIVISION

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

**JOINT DISCOVERY/CASE MANAGEMENT PLAN**

1. **Rule 26(f) meeting.** State where and when the parties held the meeting required by Rule 26(f). Identify the counsel who attended for each party.
2. **Jurisdiction.**
  - a. **Basis.** Specify the basis of federal jurisdiction. Identify any parties who disagree and the reasons.
  - b. **Diversity.** For jurisdiction based on diversity, identify any disagreement about the amount in controversy. If the case involves an unincorporated entity as a party (such as an LLC, LLP, or partnership), state the citizenship of every member or partner. Any such party must also attach to this filing an affidavit or declaration establishing the citizenship of every member.
3. **Case background.**
  - a. **General description.** Briefly describe what this case is about. In addition, state the elements of each cause of action, defense, and counterclaim.
  - b. **Related cases.** List all related cases pending in any other state or federal court. Identify the court and case number. Describe how it relates to this case.
  - c. **Class issues.** Describe any class-action or collective-action issues. Provide the proposed definition of the class. Identify the basis for any opposition.
4. **Parties.**
  - a. **Unserved parties.** List any unserved parties. State a date certain by which that party will be served.

- b. **Additional parties.** List any anticipated additional parties. Identify the party seeking to add them, briefly explain why, and indicate a date by which to do so.
  - c. **Interventions.** List and briefly explain any anticipated interventions.
  - d. **Interested persons.** Certify that all parties have filed the Disclosure of Interested Persons as directed in the Order for Conference and Disclosure of Interested Persons.
- 5. **Discovery.**
  - a. **Initial disclosures.** State whether each party has completed its Rule 26(a) initial disclosures. If not, specify the date by which each party will do so.
  - b. **Phases.** State whether the parties considered conducting discovery in phases.
  - c. **Completed.** Specify any discovery already underway or accomplished.
  - d. **Limitations.** Describe any requested change to limitations set by the Federal Rules of Civil Procedure as to interrogatories, depositions, or other matters.
  - e. **Preservation.** Describe any issues about preservation of discoverable information.
  - f. **Disputes.** Specify any discovery disputes.
- 6. **Orders.**
  - a. **Protective order.** State whether the parties will request a protective order. Describe any issues about confidentiality.
  - b. **E-discovery order.** State whether the parties will request an electronic discovery order. Describe any issues about disclosure or discovery of electronically stored information.
- 7. **Settlement.** Discuss the possibility for prompt, agreed resolution of the case at the Rule 26(f) meeting. State whether the parties are amenable to early mediation or other settlement attempt.
- 8. **Trial.**
  - a. **Magistrate Judge.** Indicate the parties' joint position on referral of this case for all purposes, including trial, to a Magistrate Judge.
  - b. **Jury demand.** Identify any party that has made a jury demand and whether it was timely.

- c. **Length of trial.** Specify the total number of hours it will likely take to present the evidence at trial in this case.
9. **Other matters.** List any other matter that needs to be addressed at the Scheduling Conference.
10. **Proposed Scheduling Order.** Complete and attach a joint proposed scheduling order. Use Form 4 on this Court's home page.<sup>1</sup> Clearly indicate any disagreements with reasons in support of the requests made.

Respectfully submitted,

\_\_\_\_\_  
Date

\_\_\_\_\_  
[Plaintiff Signature Block]

\_\_\_\_\_  
Date

\_\_\_\_\_  
[Defendant Signature Block]

---

<sup>1</sup> <https://www.txs.uscourts.gov/page/united-states-district-judge-drew-b-tipton>

\_\_\_\_\_ DIVISION

**V.**

### SCHEDULING ORDER

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

1. \_\_\_\_\_  
**MOTIONS TO ADD NEW PARTIES**  
The party causing the addition of a new party must provide copies of this Order and all previously entered Orders to the new party.
2. \_\_\_\_\_  
**MOTIONS FOR LEAVE TO AMEND PLEADINGS**  
Any party seeking leave to amend pleadings after this date must show good cause.
3. \_\_\_\_\_  
**EXPERTS (other than attorney's fees)**  
The party with the burden of proof on an issue must designate expert witnesses in writing and provide the required report under Rule 26(a)(2).  
  
\_\_\_\_\_  
The opposing party must designate expert witnesses in writing and provide the required report under Rule 26(a)(2).
4. \_\_\_\_\_  
**COMPLETION OF DISCOVERY**  
Discovery requests are not timely if the deadline for response under the Federal Rules of Civil Procedure falls after this date. Parties may continue discovery beyond the deadline by agreement.

5. \_\_\_\_\_ **PRETRIAL MOTIONS DEADLINE**  
(except for motions *in limine*)  
No motion may be filed after this date except for good cause. This includes motions to exclude experts.
6. \_\_\_\_\_ **MEDIATION OR SETTLEMENT CONFERENCE**  
Mediation or other form of dispute resolution must be completed by this deadline.
7. \_\_\_\_\_ **JOINT PRETRIAL ORDER AND MOTION IN LIMINE DEADLINE**  
The Joint Pretrial Order will contain the pretrial disclosures required by Rule 26(a)(3) of the Federal Rules of Civil Procedure. Use the forms provided on the Court's website. <https://www.txs.uscourts.gov/Tipton>. Plaintiff is responsible for timely filing the complete Joint Pretrial Order. Failure to do so may lead to dismissal or other sanction in accordance with the applicable rules. **Exhibit lists, witness lists and proposed deposition excerpts may not be amended or supplemented after this date unless by agreement.** Objections to any of these shall be filed no later than three business days after this date and responses to those objections shall be filed no later than six business days from this date. **Boilerplate objections or responses will not be considered.**
8. \_\_\_\_\_ **DOCKET CALL**  
Docket Call will be held at 2:00 p.m. The Court will not consider documents filed within seven days of docket call. The Court may rule on pending motions at docket call and will set the case for trial as close to docket call as practicable.
9. Additional orders relating to disclosures, discovery, or pretrial motions:
- \_\_\_\_\_
- \_\_\_\_\_

Any party wishing to make a discovery or scheduling motion must obtain permission before the submission of motion papers. This includes any motion to compel, to quash, for protection, or for extension. **Lead counsel must personally confer on all discovery and scheduling disputes as a final attempt at resolution prior to involving the**

Court. 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, Kellie Papaioannou at [Kellie\\_Papaioannou@txs.uscourts.gov](mailto:Kellie_Papaioannou@txs.uscourts.gov).

It is SO ORDERED.

Signed this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

---

**DREW B. TIPTON**  
**UNITED STATES DISTRICT JUDGE**