

Form 5a

Standard Scheduling and Docket Control Order

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

_____	§	CIVIL ACTION NO
Plaintiff,	§	_____
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
_____	§	
Defendant.	§	

SCHEDULING AND DOCKET CONTROL ORDER

The following schedule will control disposition of this case. For further information, see Section 10 of this Court's procedures.

The parties are ADVISED that (i) no continuance will be granted, even upon joint motion, absent a showing of actual diligence and extraordinary cause, and (ii) discovery failures may result, at the appropriate time, in dismissal of claims or the striking of evidence or defenses. Proceed accordingly.

- 1. + 30 days following initial conference 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. + 30 days MOTIONS FOR LEAVE TO AMEND PLEADINGS**

Any party seeking leave to amend pleadings after this date must show good cause.
- 3a. + 180 days 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).
- 3b. + 30 days** The opposing party must designate expert witnesses in writing and provide the required report under Rule 26(a)(2).

4. **+ 45 days** **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 by agreement continue discovery beyond the deadline.

5. **+ 30 days** **DISPOSITIVE AND NONDISPOSITIVE MOTIONS DEADLINE (except for motions *in limine*)**
No party may file any motion after this date except for good cause shown.

6. **+ 45 days** **MEDIATION OR SETTLEMENT CONFERENCE BEFORE THE MAGISTRATE JUDGE**
The parties must complete mediation or other form of dispute resolution.

7. **+ 30 days** **DEADLINE FOR JOINT PRETRIAL ORDER AND MOTIONS *IN LIMINE***
The Joint Pretrial Order must contain the pretrial disclosures required by Rule 26(a)(3). Plaintiff is responsible for timely filing of the complete Joint Pretrial Order. Failure to do so may lead to dismissal or other sanction in accordance with applicable rules.

8. **15 months** **DOCKET CALL**
after
initial
conference
(or ~ 30
days after
JPTO)
Docket call is set for 1:30 p.m. in Courtroom 9F, United States Courthouse, 515 Rusk Street, Houston, Texas. Documents filed within seven days of docket call will not be considered. Pending motions will be addressed, with the case set for trial as close to docket call as practicable.

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. Follow Section 15 of the Court's procedures.

The parties agree to submit issues regarding attorney fees by affidavit after resolution of liability and damages.

If referred, the Magistrate Judge has the authority to adjust the scheduling order dates.

Signed on _____, at Houston, Texas.

Hon. Charles Eskridge
United States District Judge

Form 5b

Abbreviated Scheduling and Docket Control Order

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

_____	§	CIVIL ACTION NO
Plaintiff,	§	_____
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
_____	§	
Defendant.	§	

SCHEDULING AND DOCKET CONTROL ORDER

The following schedule will control disposition of this case. For further information, see Section 10 of this Court's procedures.

The parties are ADVISED that (i) no continuance will be granted, even upon joint motion, absent a showing of actual diligence and extraordinary cause, and (ii) discovery failures may result, at the appropriate time, in dismissal of claims or the striking of evidence or defenses. Proceed accordingly.

- 1. + 30 days following initial conference **MOTIONS TO ADD NEW PARTIES OR FOR LEAVE TO AMEND PLEADINGS****

The party causing the addition of a new party must provide copies of this Order and all previously entered Orders to the new party.

Any party seeking leave to amend pleadings after this date must show good cause.
- 2a. + 30 days **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).
- 2b. + 15 days The opposing party must designate expert witnesses in writing and provide the required report under Rule 26(a)(2).**

3. **+ 30 days** **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 by agreement continue discovery beyond the deadline.

4. **+ 15 days** **MEDIATION OR SETTLEMENT CONFERENCE BEFORE THE MAGISTRATE JUDGE**
The parties must complete mediation or other form of dispute resolution.

5. **+ 15 days** **DEADLINE FOR JOINT PRETRIAL ORDER AND MOTIONS *IN LIMINE***
The Joint Pretrial Order must contain the pretrial disclosures required by Rule 26(a)(3). Plaintiff is responsible for timely filing of the complete Joint Pretrial Order. Failure to do so may lead to dismissal or other sanction in accordance with applicable rules.

6. **6 months** **DOCKET CALL**
after
initial
conference
(or ~ 30
days after
JPTO)
Docket call is set for 1:30 p.m. in Courtroom 9F, United States Courthouse, 515 Rusk Street, Houston, Texas. Documents filed within seven days of docket call will not be considered. Pending motions will be addressed, with the case set for trial as close to docket call as practicable.

Motions under Rules 12(b)(6) or 12(c) are discouraged and infrequently granted under these deadlines. Motions under Rule 56 are allowed only upon permission received at docket call together with abatement of trial.

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. Follow Section 15 of the Court's procedures.

The parties agree to submit issues regarding attorney fees by affidavit after resolution of liability and damages.

If referred, the Magistrate Judge has the authority to adjust the scheduling order dates.

Signed on _____, at Houston, Texas.

Hon. Charles Eskridge
United States District Judge

Form 5c

Class Action Scheduling and Docket Control Order

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

_____	§	CIVIL ACTION NO
Plaintiff,	§	_____
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
_____	§	
Defendant.	§	

SCHEDULING AND DOCKET CONTROL ORDER

The following schedule will control disposition of this case through class certification:

- + 60 days** **COMPLETION OF DISCOVERY RELATED TO CLASS CERTIFICATION**
following
initial
conference
- + 30 days** **MOTION FOR CLASS CERTIFICATION**
A party moving for class certification under Rule 23(c) after this date must show good cause.
- + 60 days** **HEARING ON MOTION FOR CLASS CERTIFICATION**
The hearing will occur at _____ in Courtroom 9F, United States Courthouse, 515 Rusk, Houston, Texas.

Discovery at present is limited to topics necessary to class certification. Other scheduling deadlines will be set as determined appropriate at a later date.

Any party wishing to bring a dispositive motion must seek advance permission by motion.

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. Follow Section 15 of the Court's procedures.

Signed on _____, at Houston, Texas.

Hon. Charles Eskridge
United States District Judge