



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**JUDGE KENNETH M. HOYT**

THE ATTACHED COVER PAGE MUST BE SERVED  
WITH THE SUMMONS AND COMPLAINT  
OR NOTICE OF REMOVAL

Presented are Court Procedures and attachments that are applicable to cases assigned to Judge Kenneth M. Hoyt.

The plaintiff must serve this cover page and the Order for Conference along with the summons and complaint on all defendants.

A party removing a case to this Court has the same obligation as a plaintiff filing an Original Complaint. Proof of service of these materials must be filed with the Clerk. A form certificate for use in removed cases is attached to these materials.

Additionally, the parties may, at their election, proceed with their case before a U.S. Magistrate Judge. A consent form and related instructions may be obtained on the District Court's website at [www.txs.uscourts.gov](http://www.txs.uscourts.gov).

The accompanying procedures are to be used in conjunction with the Local Rules for the Southern District of Texas and not as a substitute for them. The Local Rules as well as this Court's procedures may also be obtained at [www.txs.uscourts.gov](http://www.txs.uscourts.gov). The Court requires strict compliance with the Local Rules and its procedures.

**THE HONORABLE KENNETH M. HOYT  
UNITED STATES SENIOR DISTRICT  
JUDGE**

United States Courthouse  
Courtroom No. 8B  
515 Rusk Avenue, 8th Floor, Room 8613  
Telephone: (713) 250 - 5613  
Facsimile: (713) 250 - 5368

**CYNTHIA HORACE**

Case Manager for Judge Kenneth M. Hoyt  
P. O. Box 61010  
Houston, Texas 77208-1010  
Telephone: (713) 250-5515  
Email: [cynthia\\_horace@txs.uscourts.gov](mailto:cynthia_horace@txs.uscourts.gov)

---

---

**TABLE OF CONTENTS**

---

---

Contact with Court Personnel.....	I
Emergency Matters.....	II
Continuances .....	III
Appearances at Settings.....	IV
Pretrial Conferences .....	V
Motion Practice.....	VI
Briefs .....	VII
Trial Settings (Docket Control Orders/Docket Call/Continuances).....	VIII
Required Pretrial Materials.....	IX
Courtroom Procedures.....	X
Settlements and Orders of Dismissal.....	XI

## I. CONTACT WITH COURT PERSONNEL

- A. All parties are expected to file documents through the District Court's Case Management/Electronic Case Filing ("CM/ECF") system. *See* S. D. Tex. Local R. 5.1 (as amended on September 7, 2004) and Administrative Procedures for CM/ECF. Counsel is required to register to use the Court's CM/ECF system
- B. **Case-related telephone and e-mail inquiries should be made only to the Judge's Case Manager, Cynthia Horace, at (713) 250-5515 or [cynthia\\_horace@txs.uscourts.gov](mailto:cynthia_horace@txs.uscourts.gov).**
- C. At the Court's direction, law clerks may contact counsel; however, they will not discuss matters beyond the subject matter of the call.
- D. The caseload will not allow the Case Manager to respond to casual telephone inquiries regarding motions and case status. Therefore, information regarding the filing of documents, entry of orders, or docket entries may be obtained by contacting the United States District Clerk's Office at (713) 250-5500, or online through PACER. Counsel should refrain from seeking information that may be obtained by reviewing the Docket Control Order, Local Rules or Federal Rules of Civil Procedure.
- E. All correspondence regarding cases pending before Judge Hoyt must be addressed to:

**Cynthia Horace, Case Manager to Judge Kenneth M. Hoyt  
United States District Clerk  
P. O. Box 61010  
Houston, TX 77208-1010**

1. **Do not** address substantive issues of law in letter form to the Court as they are not docketed or included in the appellate record.
2. Copies of urgent letters or briefs may be sent to Judge Hoyt's Chambers with a cover letter that specifies why the Court's prompt attention is required.

## II. EMERGENCY MATTERS

- A. Applications for restraining orders or for other immediate relief shall be filed electronically through the CM/ECF system and all related communications with the Court must be made by contacting the Case Manager. All applications of this type shall be presented to the Court by the Case Manager following counsel's affirmation that the opposing party has been contacted and that both parties are available for a conference before the Court, or an explanation of why such contact is not legally required. *Ex parte* applications for restraining orders will not be entertained by the Court unless the requirements of Fed. R. Civ. P. 65(b) are satisfied.
- B. Motions to extend filing deadlines or "cut-off" dates are **not emergencies**.

## III. CONTINUANCES

- A. Agreements, stipulations or joint motions for continuances among counsel are **NOT** binding on the Court and will be granted at the Court's discretion.
- B. The Court will attempt to accommodate vacation requests provided that they are submitted, by letter, to the Case Manager well in advance of the applicable court setting.
- C. Counsel are reminded that pursuant to The Civil Justice Reform Act of 1990, 28 U.S.C. § 473(b)(3), and the Cost and Delay Reduction Plan adopted by the Court on October 24, 1991, "all requests for extensions of deadlines for completion of discovery or for postponement of trial [must] be signed by the attorney and the party making the request."

## IV. APPEARANCES AT SETTINGS

- A. Counsel is required to be punctual in attendance at all appearances before the Court.
- B. The attorney designated as "in charge" or an attorney familiar with the case **who has authority to make decisions binding on the party represented** must appear at all conferences, hearings, and at trial. Conferences and hearings are held in Courtroom 11A or by phone at the Court's discretion.
- C. Out-of-town counsel wishing to appear telephonically at a conference or hearing must submit a written request to the Case Manager well in advance of the applicable conference or hearing, with notice to the other counsel of record and any *pro se* parties. The Court will attempt to accommodate such requests.

- D. Counsel and/or *pro se* litigants shall notify the Case Manager of any matter before the Court that has been resolved **immediately in writing** or **by e-mail** at **cynthia\_horace@txs.uscourts.gov**. Upon receipt of notice that a case has been settled, the Court may enter a conditional Order of Dismissal.

## V. PRETRIAL CONFERENCES

A scheduling conference is set at the time the case is filed. Counsel may shorten the time frame by agreement. All scheduling conferences are conducted telephonically.

- A. Counsel shall prepare and file not less than 10 days before the conference, a joint discovery/case management plan for the conference containing the information called for on the attached form, as required by Rule 26(f).
- B. The Court will enter a scheduling order and may rule on any pending motions during the conference.
- C. **Counsel who file or remove an action must serve a copy of the Order for Conference with the summons and complaint or with the notice of removal.**
- D. Attendance or participation by an attorney who has authority to bind the party is required during the conference.
- E. Counsel should discuss with his/her client and opposing counsel whether alternative dispute resolution is appropriate and advise the Court of the results of their discussions.

## VI. MOTION PRACTICE

The Court is of the opinion that most discovery disputes, especially those dealing with (1) scheduling, (2) the number, length, and form of oral and written questions, (3) the responsiveness of answers to oral and written questions, and (4) the mechanics of document production, including protective orders and the proper method for raising claims of privilege, can be resolved by counsel without the intervention of the Court.

In order to curtail undue delay in the administration of justice, the Court will not hear discovery motions unless moving counsel advises the Court, in a motion, that counsel have conferred in good faith but are unable to reach an agreement. Counsel shall also include the date, time, and place of such conference and the names of all parties participating. If counsel has been unable to confer because of the unavailability or unwillingness of opposing counsel, the motion should set forth the attempts to confer.

- A. The Court follows the written motion practice outlined in the Local Rules. Most motions will be ruled on without a hearing. The Court will consider the motion and response after the submission date. **Discovery motions are generally handled on an expedited basis.**
- B. The submission date may be extended by agreement of counsel except when the extension violates a court-imposed deadline. Counsel are to notify the Case Manager, in writing, of an agreement and submit an appropriate order.
- C. Every non-dispositive motion must contain a certificate of conference and a proposed order granting the relief requested. Failure to comply may result in the party's pleading being denied or stricken.
- D. All motions, except those filed pursuant to Fed. R. Civ. P. 56, must be accompanied by a separate proposed order granting or denying the relief requested.
- E. Requests for oral arguments are unnecessary. The Case Manager will notify counsel should the Court determine that oral argument would be beneficial.
- F. The Court will not allow withdrawal of any attorney in charge without designation of substitute counsel.

## **VII. BRIEFS**

- A. The Court requires concise, pertinent and well-organized briefs and memoranda of law. Without leave of Court, all briefs or memoranda are limited to 25 pages. A moving party may file a brief or memorandum of law in reply to a respondent's brief. Without leave of the court, a reply brief is limited to 15 pages. However, without leave of the Court, no further briefs, including a sur-reply, may be filed.
- A. Additionally, all briefs and memoranda must contain items 5, 6, 8 and 9 from the list set forth below. Any brief or memorandum that has more than 10 pages of argument must contain all of the following:
  - 1. A brief or memorandum of law must be on 8 1/2 by 11-inch paper. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch on all four sides
  - 2. No brief or motion shall be filed with the Court with a font or typeface smaller than twelve (12) point type. Footnotes may be in a font smaller than twelve (12) but not less than ten (10) point type.

3. A table of contents setting forth the page number of each section, including all headings designated in the body of the brief or memorandum;
  4. A table of citations of cases, statutes, rules, textbooks and other authorities, alphabetically arranged;
  5. A short statement of the nature and stage of the proceeding;
  6. A statement of the issues to be ruled upon by the Court and, with respect to each issue, a short statement, supported by authority, of the standard of review;
  7. A short summary of the argument;
  8. Headings succinctly setting forth separate sections of the argument; and
  9. A short conclusion stating the precise relief sought.
10. The Court may disregard or strike a brief or memorandum that does not comply with this rule.
- C. Any brief, memorandum or motion that cites authorities not found in the United States Code, United States Supreme Court Reporter, Federal Reporter, Federal Rules Decisions, Federal Supplement, Southwestern Reporter Second or Third, or Vernon's Revised Statutes and Codes Annotated should have appended the relevant parts of such authorities (other than cases), and complete copies of cases. Copies of any affidavits, deposition testimony, or other discovery referred to should also be contained in the appendix. All appendices should contain a paginated table of contents and should be tabbed for easy location of the materials contained.

## **VIII. TRIAL SETTINGS**

### **A. Docket Control Orders:**

1. Docket control orders will be entered at the time of the scheduling conference.
2. Counsel shall comply with the docket control order unless relieved from its terms by court order following motion and a showing of good cause.
3. The Court maintains a "trailing docket" from which a case is subject to trial on short notice. No new docket call date is set.

## B. Docket Call:

1. The docket control order establishes the date and time for the call of the docket. Cases will be called in numerical sequence and tried as soon as possible without regard for subsequent dockets. Cases not reached become the “trailing docket.”
2. Personal appearance by counsel telephonically is required at docket call unless arrangements are otherwise made for an announcement. Generally, the Court conducts a telephonic conference in lieu of a formal docket call to set the case for trial without further appearance.
3. Where counsel have **NOT** been advised of a ruling on a motion for continuance, personal appearance is required telephonically or as deemed by the Court.
4. Counsel shall have already notified the Case Manager **by letter** of prior commitments (vacations paid in advance, preferential trial settings in other courts, etc.) immediately and/or in advance of docket call.
5. A trial will **NOT** automatically be continued because of the unavailability of an expert or medical witness. Counsel are expected to anticipate such possibilities and prepare to present such testimony by deposition or stipulation.

## IX. REQUIRED PRETRIAL MATERIALS

### A. Joint Pretrial Order:

1. The Joint Pretrial Order is due per docket call instructions or 10 days prior to trial. **Plaintiff's** counsel is responsible for insuring that a Joint Pretrial Order is **timely** prepared and a courtesy copy delivered to the Case Manager. A form Joint Pretrial Order is attached. The form Order may be modified as needed for a particular case.
2. A Pretrial Order will be approved by this Court, when signed by **ALL** parties even though the parties do not agree on every section.

### B. Other Required Documents. Each party must also file the following documents. These documents will be in the captioned form and signed by counsel.

1. For **Jury Trials**, each party must file:
  - a. Proposed questions for voir dire examination of the jury panel; and
  - b. Proposed jury charge, which includes all necessary instructions,

definitions and special interrogatories, with authority. The instructions shall specifically include: (1) the *prima facie* elements of each cause of action and defense asserted; (2) legal definitions required by the jury; (3) items of damages; and (4) methods of calculation of damages. Customary prefatory instructions should be omitted. The parties shall submit the proposed jury charge electronically **and** by e-mail to the Case Manager, in Microsoft Word format.

2. For **Non-Jury Trials**, each party must submit:
  - a. Proposed findings of fact, electronically and by e-mail, to the Case Manager in Microsoft Word format. Counsel should include references to testimony and exhibits that support each proposed finding;
  - b. Proposed conclusions of law, electronically and by e-mail, to the Case Manager in Microsoft Word format. Each proposed conclusion of law should contain citation to legal authority supporting the conclusions; and
  - c. Memorandum of law.
3. For **All Trial and Evidentiary** hearings, each party must file:
  - a. Exhibit Lists;
  - b. Marked objections to opposing counsel's exhibits on opposing counsel's list; and
  - c. Witness lists.

## **X. COURTROOM PROCEDURES**

- A. **Hours.** Court will normally convene at 9:00 a.m. and adjourn at 5:00 p.m., recessing for lunch between 12:00 p.m. and 1:15 p.m., with a brief recess mid-morning and mid-afternoon. The Court hours during trial may vary depending upon the type of case and the needs of the parties, counsel and the Court.
- B. **Telephone Use.** Telephone messages for counsel will **NOT** be taken by the Judge's staff. Counsel shall refrain from requesting use of Chambers telephones.
- C. **Filing of Documents.** Documents submitted for filing during the course of trial will be submitted to the Case Manager in **duplicate**.

**D. Decorum:**

1. Counsel and parties will comply with Appendix C of the Local Rules regarding courtroom behavior. These procedures are **STRICTLY ENFORCED**.
2. Counsel will ensure that his/her parties and witnesses refrain from eating, chewing gum, or reading newspapers, books, etc. in the courtroom. Cellular phones, ~~beepers~~ and pagers are to be turned **OFF** prior to entering the courtroom. No phone or recorder of any kind shall be used in the courtroom for any purposes without prior permission of the Court.
3. Counsel shall stand when addressing the Court, and when the Court addresses counsel. Counsel shall use a lectern positioned appropriately to make oral argument and to question witnesses unless otherwise advised by the Court.

**E. Witnesses:**

1. Counsel are responsible for summoning witnesses into the courtroom and instructing them on courtroom decorum. Witnesses will be examined by the attorney from the lectern. Permission to approach a witness must first be obtained from the Court.
2. Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and avoid cumulative testimony.
3. Counsel should bear in mind the Court's hours and arrange for witnesses accordingly. The Court will not recess to permit counsel to call a missing witness unless he/she has been subpoenaed and has failed to appear.
4. With regard to **expert witnesses**, counsel are expected to notify them well in advance of trial so that depositions may be taken if they will not be available. Qualification of expert witnesses shall be by stipulation when possible. Any dispute over substantive matters shall be brought to the Court's attention well in advance of trial.

**F. Seating.** The Court follows the traditional rule in this district that the plaintiff or party with the burden of proof is given preference with regard to the seating closest to the jury box on the first day of trial, unless otherwise instructed.

**G. Jury Matters:**

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

2. After the jury is excused, counsel may **NOT** contact jurors unless permitted to do so by the Court. *See* S.D. Tex. Local R. 47.

H. **Jury Voir Dire.** The Court will generally conduct the voir dire examination of the jury panel. Following the Court's examination, each side may be allowed to briefly examine the jury panel concerning special issues peculiar to the case.

I. **Exhibits:**

1. All exhibits must be **pre-marked** and exchanged among counsel **prior** to trial. Opposing counsel is to mark the exhibit list of opposing counsel where there are objections and in the proper space. Written objects may also be filed.
2. All exhibits will be OFFERED and ADMITTED into evidence as the FIRST ITEM OF BUSINESS at trial where no objection is lodged at least three (3) days before trial. *See* applicable Local Rule; *see also supra* Section IX(B)(3)(b).
3. Counsel will not distribute exhibits to the jury during trial. All exhibits admitted during trial will go to the jury during its deliberations.
4. Counsel is required to provide the Court with the original and one copy of the exhibits on the day of trial in properly tabbed notebook form.
5. Counsel should become familiar with the Local Rules regarding disposition of exhibits following trial. At the conclusion of trial, each attorney shall withdraw his/her exhibits and maintain them for safekeeping in the event of an appeal. The Case Manager will provide a form for the attorneys to certify that they have withdrawn the exhibits.

J. **Depositions:**

1. If a portion of any deposition is to be read, counsel will designate such by citing pages and lines as required by the Joint Pretrial Order. Opposing counsel will file objections to such portions (citing pages and lines) with supporting authority in advance of trial. The Court will rule on the objections as soon as possible. Use of video depositions is permitted when counsel edits the video and resolves objections.
2. In the event of a **bench trial**, the portions of the deposition offered shall not be read but simply offered as exhibits for admission.

## K. Equipment:

1. Counsel shall, in advance of trial, contact the Case Manager concerning use of the Court's equipment.
2. Easels, not writing pads, are available for use in the courtroom.

## XI. SETTLEMENTS AND ORDERS OF DISMISSAL

### A. Settlements:

1. Upon the settlement of any case set for conference, hearing or trial, it shall be the duty of counsel and/or the *pro se* litigant to notify the Case Manager **immediately in writing or by e-mail at [cynthia\\_horace@txs.uscourts.gov](mailto:cynthia_horace@txs.uscourts.gov)**.
2. The parties' announcement of settlement must be followed by a motion for dismissal within thirty (30) days. Upon receipt of the parties' written settlement announcement, the Court will enter a 90-day conditional Order of Dismissal, which permits a party to move to reopen the case if final settlement cannot be completed within the allotted time.
3. Upon settlement of a suit involving a minor, counsel will jointly move for appointment of a **guardian ad litem** where there is a potential conflict of interest between the parent(s) and the minor.
  - a. The parties may agree upon a **guardian ad litem**. Otherwise, the Court will make the appointment. Counsel is permitted to submit the names of qualified attorneys they propose for the appointment.
  - b. Contemporaneous with the motion for appointment, counsel will notify the Case Manager by letter or email requesting a settlement conference.
  - c. Prior to the conference, counsel will furnish to the Court a copy of the proposed final judgment and any additional information that counsel determines to be helpful in approving the settlement. Any motion by the **guardian ad litem** requesting that funds be placed in the registry of the Court must be filed prior to the conference and approved by the Finance Section of the Clerk's Office.
  - d. All counsel and relevant acting parties must attend the conference unless excused for good cause shown.

- B. **Orders of Dismissal.** Any defendant upon whom service has not been perfected within 120 days after the complaint is filed may be dismissed in accordance with Fed. R. Civ. P. 4(m).

**OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

---

**For Information Related to the Following Contact:**

Admission of Attorneys.....	713 250-5500
Appeals.....	713 250-5500
Bail Bonds, Disbursement.....	713 250-5546
Bill of Costs.....	713 250-5500
Civil Case Information.....	713 250-5500
 Clerical Assistants to U.S. Magistrate Judges	
Magistrate Richard Bennett.....	713 250-5651
Magistrate Peter Bray.....	713 250-5100
Magistrate Christina A. Bryan.....	713 250-5860
Magistrate Yvonne Ho.....	713 250-5681
Magistrate Dena Hanovice Palermo.....	713 250-2702
 Copy Service.....	
Court Reporters.....	713 250-2120
 Case Managers to U.S. District Judges	
Judge Alfred H. Bennett.....	713 250-5850
Judge Keith Ellison.....	713 250-5181
Judge Charles R. Eskridge.....	713 250-5257
Judge Andrew S. Hanen.....	713 250-5518
Judge George C. Hanks, Jr.....	713 250-5924
Judge David Hittner.....	713 250-5667
Judge Kenneth M. Hoyt.....	713 250-5515
Judge Sim Lake.....	713 250-5514
Judge Lee H. Rosenthal.....	713 250-5516
Judge Drew Tipton.....	713 250-5056
Judge Ewing Werlein.....	713 250-5533
 Criminal Cases (Open & Closed).....	
Financial Section.....	713 250-5875
Interpreters.....	713 250-5667
Jury.....	713 250-5500
Local Rules.....	713 250-5500
Magistrates (See Clerical Assistants)	
Monition.....	713 250-5500
Naturalization.....	713 250-5500
Prisoner Related Cases.....	713 250-5402
Registry Funds.....	713 250-5875
Service of Papers.....	713 250-5500
Statistical Information.....	713 250-5500
Summons.....	713 250-5500
Transcripts.....	713 250-5499
Warrant of Seizure.....	713 250-5500

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

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

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

Please restate each instruction before furnishing the applicable information.

6. State where and when the meeting of the parties required by Rule 26(f) was held and identify the counsel who attended for each party.
7. List the cases related to this one that are pending in any state or federal court with the case number and court.
8. Briefly describe what this case is about.
9. Specify the allegation of federal jurisdiction.
10. Name the parties who disagree and the reasons.
11. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.
12. List anticipated interventions.
13. Describe class-action issues.
14. 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.

15. 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. 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 provide their reports.
  - G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. *See* Rule 26(a)(2)(B) (expert report).
  - H. List expert depositions the opposing party anticipates taking and their anticipated completion date. *See* Rule 26(a)(2)(B) (expert report).
16. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.
17. Specify the discovery beyond initial disclosures that has been undertaken to date.
18. State the date the planned discovery can reasonably be completed.
19. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.
20. Describe what each party has done or agreed to do to bring about a prompt resolution.
21. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may be effectively used in this case.
22. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.
23. State whether a jury demand has been made and if it was made on time.
24. Specify the number of hours it will take to present the evidence in this case.
25. List pending motions that could be ruled on at the initial pretrial and scheduling conference.

26. List other motions pending.
27. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.
23. Certify that all parties have filed Disclosure of Interested Parties as directed in the Order for Conference and Disclosure of Interested Parties, listing the date of filing for original and any amendments.
24. List the names, bar numbers, 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. H-_____
	§	
Defendant(s).	§	
	§	
	§	

**JOINT PRETRIAL ORDER**

1. **Appearance of Counsel.** List each party, its counsel, and counsel's address and telephone number in separate paragraphs.
2. **Statement of the Case.** Give a brief statement of the case, one that the judge could read to the jury panel for an introduction to the facts and parties; include names, dates, and places.
3. **Jurisdiction.** Briefly specify the jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state it.
4. **The Parties' Contentions.** Concisely state in separate paragraphs the contentions that are necessary to the relief sought in the case. Only those contentions that are an essential basis for resolving the case are necessary.
5. **Exhibits.** On a form similar to the one provided by the Clerk, each party will attach two lists of all exhibits expected to be offered and make the exhibits available for examination by opposing counsel. All documentary exhibits must be exchanged before trial, except for rebuttal exhibits.
6. **Witnesses.** List the names and addresses of all witnesses who may be called, separately identifying those witnesses whom the party expects to present and those whom the party may call if the need arises. Include a brief statement of the nature of their testimony. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. With regard to expert witnesses, a brief statement of the nature of their testimony and their qualifications is required.
7. **Trial.** State probable length of trial and logistical problems, including availability of witnesses, out-of-state people, bulky exhibits, and demonstrations.

8. **Additional Required Attachments.** Each Pretrial Order should also include the following additional attachments (*See also* Section IX):

a. For jury trials include:

- (1) Proposed questions for voir dire examination.
- (2) Proposed jury charge, including instructions, definitions and special interrogatories with authority.

b. For non-jury trials include:

- (1) Proposed findings of fact and conclusions of law.
- (2) Memorandum of law.

Date: \_\_\_\_\_

\_\_\_\_\_  
Kenneth M. Hoyt  
United States District Judge

**APPROVED:**

\_\_\_\_\_  
Attorney-in-Charge, Plaintiff

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney-in-Charge, Defendant

\_\_\_\_\_  
Date

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

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

**CERTIFICATE OF SERVICE IN REMOVED ACTION**

I certify compliance with the Court's Procedures.

On \_\_\_\_\_, 20\_\_, I served copies of the Order for Conference and Court Procedures' Cover Sheet on all other parties.

Date:

\_\_\_\_\_  
Attorney for Defendant(s)



