JUDGE ROLANDO OLVERA

United States Courthouse
600 East Harrison, Suite 306
Brownsville, Texas 78520-7114
(956) 548-2595

Sandra Espinoza, Judicial Assistant
United States District Clerk
600 East Harrison, Suite 306
Brownsville, Texas 78520-7114
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District Clerk's Office: (956) 548-2500

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1. CONTACT WITH COURT PERSONNEL

A. Case-related inquiries may be addressed to Sandra Espinoza, Judicial Assistant, at (956) 982-9684. Case-related issues should NOT be addressed to the Court's Law Clerks.

B. Information about the filing of documents, the entry of orders, or docket entries should be obtained from the District Clerk's Office, (956) 548-2500.

C. At the Court's discretion, Law Clerks may contact counsel as to miscellaneous issues, but the Law Clerks are under instruction to not discuss any relevant matters pertaining to a case. No one should seek to engage the Law Clerks in any matter about the case.

2. RESTRAINING ORDERS & OTHER APPLICATIONS FOR IMMEDIATE RELIEF

A. Applications for restraining orders and other applications for immediate relief must be filed with the District Clerk's Office:

U.S. District Clerk's Office
600 E. Harrison Street, Suite 101
Brownsville, Texas 78520
(956) 548-2500

(1) Applications will be presented to the Court by the Judicial Assistant following moving counsel's affirmation that the opposing party has been contacted and that all parties can present themselves for a conference before the Court.

(2) *Ex parte* applications for restraining orders will NOT be considered by the Court unless the specific requirements of Federal Rule of Civil Procedure ("FRCP") 65(b), have been satisfied.

B. Any other matters requiring immediate attention should be directed to Sandra Espinoza, Judicial Assistant, at (956) 982-9684.

3. ELECTRONIC FILINGS

A. All pleadings are to be electronically filed through the Electronic Case Filing System ("ECF"). Electronic filings must follow the "Administrative Procedures for Electronic Filing in Civil and Criminal Cases." Answers to frequently asked questions about electronic filing may be obtained from the District Clerk's Office.

B. If a filing, including attachments, contains 50 pages or more, the party must submit the filing electronically and submit a hard copy to the District Clerk's Office. The hard-copy filing must be submitted to the District Clerk's Office within seven days after the electronic

filing. A party may never submit a hard copy filing to the District Clerk's Office without an accompanying electronic filing.

4. CONTINUANCE

A. Joint, Agreed, or Unopposed motions and proposed orders for continuance will be granted only at the Court's discretion. Unopposed, Agreed or Joint motions and proposed orders **must contain the signatures of all parties**.

B. Counsel are reminded that, as required by The Civil Justice Reform Act of 1990, 28 U.S.C. § 473(b)(3), the Cost and Delay Reduction Plan states that "all requests for extensions of deadlines from completion of discovery or for postponement of the trial [must] be signed by the attorney and the party making the request."

C. Trial will not be continued because a witness, expert or otherwise, is unavailable. Counsel should anticipate such possibilities and be prepared to present testimony by written deposition, videotaped deposition, or by stipulation.

D. It is the Court's intention to confer with counsel about trial scheduling at the initial pretrial conference. Once a trial is scheduled, a continuance will be granted only in extraordinary circumstances.

5. APPEARANCES

A. An attorney in charge of a case must personally appear at all hearings or conferences. A "Motion to Appear" on behalf of the attorney in charge will be granted upon showing of good cause, and only if the attorney to substitute is familiar with the case and has authority to bind the client. The "Motion to Appear" must be filed before the hearing or conference date. When multiple attorneys represent a single client, a list of designated attorneys must also be submitted.

B. If out-of-town counsel wishes to appear telephonically, said request must be made to Sandra Espinoza, Judicial Assistant, at (956) 982-9684, no later than one day before the hearing. If permission is granted to appear telephonically, counsel will receive an email from Sandra Espinoza, Judicial Assistant, with instructions. Counsel must report at least five minutes before the hearing is scheduled to begin. Counsel appearing telephonically must bear all related expenses.

C. Counsel must immediately notify the Judicial Assistant of the resolution of any matter set for trial or hearing.

6. MOTION PRACTICE AND BRIEFS

A. **Final Pretrial Conference.** All pending motions may be ruled on at the Final Pretrial Conference.

B. **Opposed Motions.** Opposed motions must:

(1) Be in writing.

(2) Include briefs or authority and pertinent exhibits; and

(3) Come with a separate proposed order granting the relief requested and setting forth information sufficient to communicate the relief granted.

(4) Except for motions under FRCP 12(b), (c), (e), or (f), or FRCP 56, opposed motions must contain a statement that:

a. The movant has conferred with the respondent, and

b. Counsel cannot agree about the disposition of the motion.

If after conferring with one another, counsel cannot agree about the disposition of a motion, counsel may schedule a telephonic conference with the Court to discuss the motion and the opposing party's response. If after a telephonic conference is held, the motion is not resolved, the parties are instructed to schedule a hearing with the Court and submit a motion requesting the hearing. The joint motion must contain a list of all pending issues in the opposed motion and a statement that counsel have conferred amongst themselves and believe a hearing is necessary to resolve the motion.

The Court's standard practice is to rule on opposed motions by submission only.

C. **Responses to Opposed Motions.** Failure to respond to an opposed motion will be deemed as a representation of no opposition. The Court will rule on any motion once it becomes ripe no matter if a response has been filed. Responses to motions must:

(1) Be in writing.

(2) Be filed within 21 days from the date the motion was filed with the District Clerk's Office.

(3) Include briefs or authority and pertinent exhibits; and

(4) Come with a separate proposed order denying the relief sought.

D. **Replies and Surreplies.** If the movant elects to reply, it must be filed no more than 10 days after the response was filed with the District Clerk's Office. Surreplies must be filed no more than 10 days after the reply was filed with the District Clerk's Office.

E. **Motion Hearings.** All motions will be decided without a hearing, unless the Court determines a hearing would be beneficial.

F. **Supporting Briefs and Legal Memoranda.** All briefs and memoranda must be limited to 20 pages unless the Court grants leave to file more than 20 pages. All briefs and memoranda must contain these sections:

(1) Issues in Dispute: A short statement highlighting the issues before the Court with supporting authority and standard of review for each issue.

(2) Argument: A summary of all arguments divided under appropriate subheadings.

(3) Conclusion: A short statement stating the precise relief sought.

Any brief or memorandum with more than 10 pages of argument must also contain the following:

(1) Table of Contents: Noting the page number of each heading and subheading.

(2) Table of Authorities: Arranged alphabetically and categorically.

The Table of Contents and Table of Authorities do not count against the 20-page limit.

G. **Late Filings.** Any motion, response, or reply filed after the time limits in these rules must include a "Motion for Leave to File" that specifically explains the basis for the requested late filing of the prospective motion, response, or reply. The Court will only grant a "Motion for Leave to File" with good cause.

H. **Unopposed or Joint Motions.** Motions without opposition must be accompanied by a proposed order. Unopposed motions and any accompanying orders **must have "Unopposed" in the title and contain the signatures of all parties**. Said motions and proposed orders will not be considered without the signatures of all parties.

I. **Discovery Motions.** The Court finds that most discovery disputes, especially those dealing with (1) scheduling, (2) the number, length, and form of oral and written discovery requests, (3) the responsiveness of answers to oral and written questions, and (4) the mechanics of document production, including protective orders and the proper method of raising claims of privilege, can be resolved by counsel without the Court's intervention. The Court will not hear discovery motions unless moving counsel has advised the Court in the motion that counsel have conferred in a good-faith effort to resolve the matters in dispute but cannot reach an agreement and have further jointly telephonically conferred with the Court as to the pending discovery dispute. If counsel has been unable to confer because of unavailability or unwillingness of opposing counsel to do so, the statement must recite the facts about attempts to confer.

J. **Opposed Motions for Extension of Discovery Deadlines.** Such motions must be filed more than 21 days before the deadline so that opposing counsel may respond to the motion before the discovery deadline.

K. **Motion Hearings.** Requests for oral argument are unnecessary. The Judicial Assistant will notify counsel should the Court determine that a motion hearing would be beneficial. All ripe motions will be addressed at the next status conference unless counsel is notified to the contrary. If counsel anticipates the need to offer evidence or testimony at the motion hearing, leave to do so must be obtained from the Court in advance. If motions are decided without a hearing or taken under advisement, the Court will make a timely ruling, and counsel will be furnished with copies of orders.

7. SUBMITTING AUTHORITIES AND OTHER CITED MATERIAL

A. At least 7 days before a contested motion hearing, counsel for both parties must submit a tabbed binder containing:

(1) A copy of the motion in dispute.

(2) Any brief or memorandum submitted in support or opposition to the motion; and

(3) Copies of each authority cited, with relevant sections highlighted in yellow.

Binders are to be mailed or personally delivered directly to chambers.

8. INITIAL PRETRIAL AND SCHEDULING CONFERENCES

A. Joint Discovery/Case Management Plan

(1) At least 14 days before the initial pretrial conference, counsel MUST file a Joint Case Management Plan, including the identity and purpose of witnesses, sources, and types of documents, and other requirements for a prompt, efficient and cost-effective preparation of the case. All issues pending in the case, along with any potential discovery difficulties for each issue, are also to be listed and summarized in the Joint Case Management Plan, with a statement that counsel have met and agreed on the summation list of issues. *See* FRCP 26(f).

(2) *See* APPENDIX, p. 14 for a sample Joint Discovery/Case Management Plan.

B. Scheduling Order

(1) Besides submitting a "Joint Case Management Plan," counsel must submit a joint Proposed Scheduling Order listing deadlines for completion of all pretrial matters. The Proposed Scheduling Order is due at least 5 days before the Initial Pretrial Conference.

(2) The Scheduling Order must comply with these rules and the deadlines set forth in the attached sample Scheduling Order. The Court has ultimate discretion in the dates set forth in the final Scheduling Order. Counsel is also advised that the Court will not automatically honor agreements between counsel to alter the dates listed in the Joint Case Management Plan. Moreover, agreements between counsel trying to amend deadlines for dispositive motions, replies, the final pretrial order, final pretrial conference, and jury selection will NOT be honored, and any modification of dates must be granted by the Court.

(3) *See* APPENDIX, p. 18 and 19 for a sample Scheduling Order.

C. **Mandatory Certificate Regarding Generative Artificial Intelligence**

(1) All attorneys and pro se litigants appearing before the Court must, together with their proposed scheduling order, file a certificate attesting either that no portion of any filing will be drafted by generative artificial intelligence (such as ChatGPT, Claude, Harvey.AI, or Google Bard) or that any language drafted by generative artificial intelligence will be checked for accuracy, using print reporters or traditional legal databases, by a person.

(2) The Court will strike any filing from a party who fails to file a certificate on the docket attesting that they have read the Court's judge-specific requirements and understand that they will be held responsible under Rule 11 for the contents of any filing that they sign and submit to the Court, whether or not generative artificial intelligence drafted any portion of that filing. *See* APPENDIX, p. 17, for a sample Certificate Regarding Generative Artificial Intelligence

(3) *See* APPENDIX, p. 17, for a sample Certificate Regarding Generative Artificial Intelligence.

9. REQUIRED PRETRIAL MATERIALS

A. **Pretrial disclosures.** Each party must provide the following information to any opposing parties:

(1) The identity of witnesses, specifically identifying each witness the party intends to present at trial, rather than those that may be called on prospective rebuttal or if the need arises.

(2) The identity of witnesses whose testimony will be presented by deposition, including a transcript of the pertinent portions of testimony to be presented.

(3) Documents and exhibits, with identifying headings, that the party intends to present at trial, and those it may present if the need arises.

(4) The name(s) of Plaintiff's experts, and reports, 180 days before the discovery deadline.

(5) The name(s) of Defendant's experts, and reports, 120 days before the discovery deadline.

Unless otherwise directed by the Court, pretrial disclosures must be made in conjunction with the Joint Pretrial Order.

B. **Joint Pretrial Order ("JPO").** Counsel must ensure that the JPO is filed by the date listed on the Scheduling Order. Counsel must adapt the "Joint Pretrial Order form" provided by the Court. All counsel must sign the JPO; failure to comply with any aspect of the JPO may result in sanctions available to the Court against the noncompliant party. If a JPO is filed, but the case is later continued or abated, a supplemental JPO must be filed at least 60 days before the revised Final Pretrial Conference.

See APPENDIX, p. 23 for a sample Joint Pretrial Order.

C. **Exhibit Lists and Witness Lists.** Due as attachments to JPO.

See APPENDIX, pp. 26–29 for sample exhibit and witness lists.

D. **Other Required Documents.** No later than the deadline for filing the JPO, each party must file these documents—captioned, signed by counsel, and with service certified:

(1) **Jury Trials.** Proposed *voir dire* questions and proposed jury instructions.

(2) **Non-Jury Trials.** Proposed Findings of Fact, based on supporting testimony and exhibits, Proposed Conclusions of Law, based on supporting authority, and memorandum of law.

10. EXHIBITS AND WITNESSES

A. **General Rule.** All exhibits and witness lists must be marked and exchanged between counsel on the same date as the JPO deadline. The offering party will mark each of his/her own exhibits with the party's name, case number, and exhibit number. All exhibits and witness lists must be filed electronically by the JPO deadline.

B. **Objections to Exhibits or Witnesses**. Objections to any exhibits or witnesses must be filed 15 days after the JPO deadline; objections must include copies of the disputed exhibit and legal authority. Responses to objections must be filed 30 days after the objections are filed. Failure to timely respond to an objection will be deemed lack of opposition resulting in the objection being sustained. Failure to timely object to an exhibit or witness constitutes a waiver and considered admission of that exhibit or witness. All rulings will be done by submission.

C. **Authentication.** If counsel requires authentication of an exhibit, counsel must notify offering counsel in writing 15 days after the JPO deadline. Failure to do so is an admission of authenticity.

D. **Admitting Exhibits.** The Court will admit all exhibits listed in the JPO into evidence unless opposing counsel files written objections supported by authority by the date listed on the Scheduling Order.

E. **Providing Exhibits to the Court.** Counsel for each party must provide the Court with a hard copy of its exhibits in a tabbed and indexed binder by the Final Pretrial Conference.

F. **Exhibits and the Jury.** Counsel must obtain permission from the Court to pass exhibits to the jury during trial. All admitted exhibits will go to the jury during its deliberations.

G. **Disposition of Exhibits After Trial.** Exhibits that are not easily stored in a file folder (like posters or models) must be withdrawn after trial, and reproductions or photographs must be submitted in their place and filed electronically as soon as possible.

(1) If there is no appeal, exhibits must be removed by the offering party within 30 days after disposition of the case.

(2) When there is an appeal, exhibits returned to the Court by the Court of Appeals must be removed by the offering party within 10 days after written notice from the District Clerk. Exhibits not timely removed will be disposed of by the District Clerk, and the expenses incurred will be assessed against the offering party.

11. TECHNOLOGY AND OTHER EQUIPMENT

A. Drawing boards and easels with large writing pads are available for use in the courtroom.

B. A DVD is available for audiovisual exhibits.

C. A document reader is available for projecting letter-sized (or smaller) documents and photographs.

D. If counsel wishes to bring other technology/equipment for a hearing or trial, counsel must contact the Judicial Assistant, Sandra Espinoza, at (956) 982-9684, with their equipment request at least 7 days before the hearing or trial.

E. Any requests for daily copy must be timely provided to the Court Reporter, Sheila Perales, at (956) 982-9664, ext. 19664. The Court Reporter reserves the right to refuse to provide a daily copy.

12. COURTROOM PROCEDURES

A. **Hours.** The Court's hours during trial vary depending on the type of case and the needs of the parties, counsel, witnesses, and the Court. Court normally will convene at 9:00 A.M. and adjourn at 5:00 P.M., recessing for lunch between 12:00 and 1:30 P.M., with morning and afternoon breaks as needed.

B. **Access at Other Times.** Counsel requesting access to the courtroom to set up or remove equipment or exhibits before or after normal business hours must arrange to do so in advance by contacting the Judicial Assistant, Sandra Espinoza, at (956) 982-9684.

C. **Cell Phones.** Cell phones are allowed in the courtroom for trial purposes and must be on airplane mode if not in use.

D. **Computers, iPads, and Other Portable Technology.** Computers, iPads, and other portable technology may be brought only into the courtroom with notice and permission from the Court.

E. **Last-minute filings.** If counsel files documents just before or during trial, that party must submit 3 hard copies of the filing to the Judicial Assistant.

F. **Decorum.** Counsel and parties will comply with the Texas Disciplinary Rules of Professional Conduct, the Texas Lawyers Creed, and the Local Rules adopted by the Southern District of Texas.

See also APPENDIX, p. 35 for Courtroom Etiquette.

G. **Witnesses.** Witnesses are to remain outside the courtroom until called by counsel to testify. To ensure expediency, counsel must furnish the Judicial Assistant, U.S. Marshals, and Court Security Officer (CSO) with a list of witnesses showing the order in which they are likely to be presented. When counsel calls a witness, the CSO will bring the witness into the courtroom, and the Court will direct the witness to take the stand. Counsel should consider the Court's hours and arrange to call witnesses accordingly. Counsel must stand at the podium to question witnesses but may approach a witness with an exhibit upon permission from the Court.

H. **Demonstrations.** Counsel must request and obtain the Court's permission to conduct a demonstration.

I. **Jury Deliberations.** While the jury is deliberating, counsel is instructed to remain near the courtroom to be available for jury notes or a verdict.

J. **Contacting jurors after trial.** Once the trial has ended, counsel has a right to contact jurors at their discretion. That said, the Court will instruct the jurors that they may elect not to answer questions or discuss the case.

13. ***VOIR DIRE***

A. Generally, the Court will conduct examination of the venire.
B. Proposed *voir dire* questions must be filed with the JPO.

14. USE OF DEPOSITIONS AT TRIAL

A. The Court generally will accept counsels' agreement to read relevant portions of a deposition at trial even though the witness is available; otherwise, follow FRCP 32. But the Court cautions counsel against the overuse of deposition testimony.

B. Counsel will designate the portion of any deposition to be read by citing the page and line number(s) in the JPO. Objections to deposition excerpts must be filed within 15 days after the JPO deadline.

C. In a non-jury trial, counsel must list the deposition excerpts offered as an exhibit, citing page and line number(s). The judge will read all deposition evidence.

15. SETTLEMENTS AND ORDERS OF DISMISSAL

A. **Notice.** Counsel must immediately notify the Judicial Assistant, Sandra Espinoza, at (956) 982-9684, upon settlement of any case set for conference, hearing, or trial.

B. **Notices of Settlement.**

(1) Notices of Settlement must be received in writing and must include a separate Agreed Judgment or Stipulation of Dismissal within 30 days of the Notice of Settlement.

(2) The Court will enter an Order disposing of the case upon receipt of the Agreed Judgment or Stipulation of Dismissal.

C. **Stipulation of Dismissal.**

(1) Stipulations of Dismissal, under FRCP 41(a)(1)(A)(ii), must be received in writing and must be signed by all parties who have appeared.

(2) The Court will enter an Order of Dismissal upon receipt of the Stipulation of Dismissal.

D. **Suits Involving Minor Plaintiffs.**

(1) If there is a potential conflict of interest between the parent(s)/guardian(s) and the minor, counsel will jointly move for appointment of an attorney ad litem before any mediation or other ADR procedure.

(2) If there is no conflict of interest between the parent(s)/guardian(s) and the minor, and the suit is settled, counsel still will jointly move for appointment of an attorney ad litem to represent the minor at the settlement hearing.

(3) If counsel cannot agree on the attorney ad litem, each counsel will submit the names of three proposed attorneys, and the Court may appoint one, or one of its own choosing.

(4) All parties and attorneys must appear for the settlement hearing, unless excused by the Court.

E. **Dismissals.** In accordance with FRCP 4(m), if a defendant is not served within 90 days after the complaint is filed, the Court—on motion or on its own after notice to the plaintiff—will dismiss the action without prejudice against that defendant or order that service be made within a specified time. If the plaintiff shows good cause for the failure, the Court will extend the time for service for an appropriate period.

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

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versus § CIVIL ACTION B-
§
§
§
§
§

ORDER SETTING CONFERENCE

1. Counsel must appear for an initial pretrial conference:

_____ ___, 202___, at _____ ___.m.
Before the Honorable Rolando Olvera
United States District Judge
Third Floor—Courtroom No. 4
United States Courthouse
600 E. Harrison Street
Brownsville, TX 78520

2. Within 15 days of receiving this order, counsel must file a list of all entities that are financially interested, including parent, subsidiary, and affiliated corporations as well as all known attorneys of record. When a group description is effective disclosure, an individual listing is unnecessary. Underline the names of corporations with publicly traded securities. Counsel must promptly amend the list when parties are added, or additional interested parties are identified.

3. The plaintiff must serve defendant within 90 days of filing the complaint. The plaintiff's failure to file proof of service within that time may result in dismissal by the Court on its own initiative. *See* Fed. R. Civ. P. 4(m).

4. At least 14 days before the initial pretrial conference, counsel must file a joint case management plan listing the identities and purposes of witnesses, sources, and types of documents, and other requirements for a prompt and inexpensive preparation of this case for disposition by motion or trial. *See* Fed R. Civ. P. Rule 26(f).

5. At least 5 days before the initial pretrial conference, counsel must file a joint proposed scheduling order using the Court's template and the certificate regarding generative artificial intelligence.

6. The parties must agree on other deadlines for completion of pretrial matters including all expert designation dates and discovery deadlines, as well as dates for exchanging of initial disclosures if they have not already been completed.

7. By the initial pretrial conference, counsel will have interviewed their clients and read all relevant documents; readily available documents must be exchanged at the meeting to create and sign the required Case Management Plan at the latest.

8. The court will set a schedule for initial preparation and may rule on motions pending or made at the conference.

9. Counsel in charge of a case must appear at all hearings or conferences. A motion to appear on behalf of the attorney−in−charge will be granted only upon showing of good cause, and only if the attorney to be substituted is familiar with the case and has authority to bind the client. The motion to appear must be ruled on before the hearing or conference date.

10. Counsel who appears at the conference must have authority to bind the client and must know the facts.

11. Counsel must have discussed alternative dispute resolution with their clients and each other; at the conference, the court will consider whether a method of ADR is suited to the case.

12. The court will enter a scheduling order and may rule on any pending motions at the conference.

13. Plaintiff(s), or the party removing a suit from state court, **MUST SERVE THE OPPOSING PARTY OR PARTIES** with copies of:

    A. This ORDER FOR CONFERENCE,
    B. The form for the JOINT DISCOVERY/CASE MANAGEMENT PLAN AS REQUIRED BY RULE 26(f).
    C. The form for the PROPOSED JOINT SCHEDULING ORDER and CERFICIATE REGARDING GENERATIVE ARTIFICIAL INTELLIGENCE

    The above documents **MUST BE SERVED ALONG WITH THE SUMMONS AND COMPLAINT**.

14. The parties will be bound by the provisions in this ORDER, the documentation mentioned above, and the dates set out in the scheduling order.

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

BY THE ORDER OF THE COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

_____, Plaintiff(s),	§	
v.	§	Civil Action No.
_____, Defendant(s).	§	

JOINT DISCOVERY/CASE MANAGEMENT PLAN
Under Rule 26(f) of the Federal Rules of Civil Procedure
*(Please **restate** the instruction in **bold** before burnishing the responsive information.)*

1. State where and when the conference among the parties required by Rule 26(f) and identify the counsel who attended for each party.

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

3. Specify the allegation of federal jurisdiction.

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

5. List anticipated additional parties when they can be added, if any.

6. List anticipated interventions, if any.

7. Describe class-action issues, if any.

8. State whether each party has completed the initial disclosures required by Rule 26(a). If not, describe the arrangements to complete the disclosures.

9. Describe the proposed agreed discovery plan, including:

    a. Responses to all the matters raised in Rule 26(f).

    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 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 complete date. *See* Rule 26(a)(2)(B) (expert report).

10. If the parties cannot agree on a part of the discovery plan, describe the separate views and proposals of each party.

11. Specify the discovery beyond initial disclosures that has been undertaken.

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

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

14. Describe what each party has done or agreed to do to bring about a prompt resolution.

15. From the attorneys' discussion with their client(s), state the alternative dispute resolution techniques that are reasonably suitable and state when such a technique may be effectively used here.

16. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.

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 present the evidence.

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

20. List other pending motions.

21. Convey other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.

22. List and summarize all issues pending in the case. Include a statement that counsel have met and agreed on the summation list of issues.

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

Counsel for Plaintiff(s):

Name: _____

Bar Number: _____

Address: _____

Telephone: _____ Date: _____

Counsel for Defendants(s):

Name: _____

Bar Number: _____

Address: _____

Telephone: _____ Date: _____

Approved:

_____ _____
Attorney-in-Charge, Plaintiff(s) Date

_____ _____
Attorney-in-Charge, Defendant(s) Date

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

_____,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 1:24-cv-0___
	§	
_____,	§	
	§	
Defendant.	§	

CERTIFICATE REGARDING GENERATIVE ARTIFICIAL INTELLIGENCE

I hereby certify that I have read and will comply with all of Judge Rolando Olvera's local rules related to generative artificial intelligence.

I further certify that no portion of any filing will be drafted by generative artificial intelligence or that any language drafted by generative artificial intelligence—including quotations, citations, paraphrased assertions, and legal analysis—will be checked for accuracy, using print reporters or traditional legal databases, by a person before it is submitted to the Court. I understand that any attorney or pro se litigant who signs any filing here will be held responsible for the contents according to applicable rules of attorney or civil discipline, whether or not generative artificial intelligence drafted any portion of that filing.

_____ _____
Attorney-in-Charge or Pro Se Litigant Date

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

_____,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 1:__-cv-0___
	§	
_____,	§	
	§	
Defendant.	§	

SCHEDULING ORDER

FRCP = Federal Rules of Civil Procedure *FPC = Final Pretrial Conference* *JPO = Joint Pretrial Order*

1. Trial: Estimated time to try: _____ days. ☐ Bench ☐ Jury
   If the estimated length of trial is more than five business days, each party must provide specific and itemized time limits for each witness listed in the Joint Pretrial Order ("JPO").

2. Parties must comply with FRCP 15 in amending pleadings.

3. New party joinder deadline: 180 days from complaint or, in a removed case, notice of removal
   Furnish a copy of this scheduling order to new parties.

4. The plaintiff's expert designation and expert report deadline: 180 days before discovery deadline
   See FRCP 26(a)(2)(D); Local Rule 9(A)(4).

5. The defendant's expert designation and expert report deadline: 120 days before discovery deadline
   See FRCP 26(a)(2)(D); Local Rule 9(A)(5).

6. Discovery completion deadline: 90 days before JPO deadline
   Every disclosure under FRCP 26(a)(1) or (a)(3) and every discovery request, response, or objection must be signed by at least one attorney of record in the attorney's own name — or by the party personally, if unrepresented — and must state the signer's address, email address, and telephone number. See FRCP 26(g).

   Additionally, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or tried to confer with the person or party failing to make disclosure or discovery to help obtain it without court action. See FRCP 37(a)(1). Failure to comply with this rule may result in sanctions and the payment of reasonable expenses and attorney's fees under FRCP 37(a)(5).

7. The parties' mediation and status report deadline: 30 days after JPO

8. Dispositive motions deadline: 30 days after discovery deadline
See FRCP 56(b).

9. Non-dispositive motions deadline: 30 days after discovery deadline
Responses to dispositive and non-dispositive motions are due 21 days after the motions are filed. See Local Rule 6(C)(2)

10. Daubert motions/motions to exclude expert deadline: 60 days before JPO

11. Joint pretrial order ("JPO") (including witness/exhibit lists) deadline: 60 days before FPC
All parties must file the joint pretrial order on time.
The following applies only to 8 U.S.C. § 1503 cases: Any testifying witness must execute an affidavit; the parties will submit all affidavits as part of the joint pretrial order. See Exhibits A, B. At trial, the parties will be placed on time limits for direct and cross-examination. The Court will initiate questions to every witness before direct examination. See Exhibit C.

12. Objections to exhibit or witness lists deadline: 15 days after JPO
All objections must include copies of the disputed exhibit and legal authority.

13. Responses to objections to exhibit and witness lists deadline: 30 days after JPO

14. Motions in limine deadline: 15 days after JPO

15. Responses to motions in limine deadline: 30 days after JPO

16. Final Pretrial Conference ("FPC") set for 3:00 P.M.: Please contact Judicial Assistant for FPC date

17. Jury Selection is set for 10:30 A.M.: Please contact Judicial Assistant for trial date

Approved:

_____ _____
Attorney-in-Charge, Plaintiff(s) Date

_____ _____
Attorney-in-Charge, Defendant(s) Date

Signed on this the _____ day of _____, 202__.

_____
Rolando Olvera
United States District Judge

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

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

AFFIDAVIT OF [PARENT WITNESS]

I, _____, declare under penalty of perjury the following is true and correct:

1. I was born ___[Date]___ in ___[City, State, Country]___.

2. I am the ___[Mother/Father]___ of ___[Plaintiff]___.

Choose from the following:

3a. I know Plaintiff was born in ___[City, State, Country]___ because _____.

or

3b. I was not physically present during ___[Plaintiff's]___ birth but know ___[Plaintiff]___ was born in ___[City, State, Country]___ because _____.

4. Any exhibit which states Plaintiff was born in Mexico is incorrect because_____.

Signed this _____ day of _____, 20___.

_____
Signature of Affiant

_____
Name of Affiant

BEFORE ME, the undersigned authority on this day personally appeared _____ [name of affiant] and by oath states the facts here stated are true and correct.
SUBSCRIBED AND SWORN TO BEFORE ME on this _____ day of _____, 20___.

_____
Notary Public

My commission expires: _____

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

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

AFFIDAVIT OF [THIRD PARTY NON-PARENT WITNESS]

I, _____, declare under penalty of perjury the following is true and correct:

1. I was born ___[Date]___ in ___[City, Country]___.

2. I am related to the Plaintiff as follows: ___[Relationship to Plaintiff].

Choose from the following:

3a. I know Plaintiff was born in ___ [City, State, Country] ___ because _____.

or

3b. I was not physically present during ___[Plaintiff's]___ birth but know ___[Plaintiff]___ was born in ___ [City, State, Country] ___ because _____.

Signed this _____ day of _____, 20___.

_____
Signature of Affiant

_____
Name of Affiant

BEFORE ME, the undersigned authority on this day personally appeared _____ [name of affiant] and by oath states the facts here stated are true and correct.
SUBSCRIBED AND SWORN TO BEFORE ME on this _____ day of _____, 20___.

_____
Notary Public

My commission expires: _____

EXHIBIT C

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

QUESTION TEMPLATE OF WITNESSES IN 8 U.S.C. § 1503 CASES

1. Please state your full correct legal name.
2. What is your relation to Plaintiff and how long have you known him/her?
3. Where was Plaintiff born?
4. Please explain to the Court how you know Plaintiff was born in the United States?
5. One of the exhibits in this case is a birth certificate that states Plaintiff was born in Mexico. Based on your prior testimony, please explain to the Court why this document is incorrect.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

,	§	
	§	
v.	§	CIVIL ACTION B-
,	§	
	§	

JOINT PRETRIAL ORDER

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

1. **Appearance of Counsel.** List each party, its counsel, and counsels' address and telephone number in separate paragraphs.

2. **Statement of the Case.** Give a brief statement of the case, including relevant names, dates, and places, that can be read to the jury panel as an introduction of the case.

3. **Jurisdiction.** Briefly specify the basis for the Court's jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state it.

4. **Motions.** List pending motions.

5. **Contentions of the Parties.** State concisely, in separate paragraphs, each party's claims.

6. **Admission of Facts.** List all facts that require no proof.

7. **Contested Issues of Fact.** List all facts in bona fide controversy.

8. **Agreed Propositions of Law.** List the legal propositions that are not in dispute.

9. **Contested Propositions of Law.** State briefly the unresolved questions of law, with authorities to support each.

10. **Exhibits.**

    A. Attach an Exhibit List and make all listed exhibits available for examination by opposing counsel. Parties must mark each exhibit with the date and case number.

    B. All documentary exhibits must be exchanged on the date the Joint Pretrial Order is filed, except for rebuttal exhibits and those whose use cannot be anticipated.

C. A party requiring authentication of an offered exhibit must notify the offering counsel in writing within15 days after the JPO deadline; failure to object in writing before trial concedes authenticity.

D. All objections to admissibility of exhibits must be filed 15 days after the JPO; objections must include copies of the disputed exhibit and legal authority. Responses to objections must be filed 15 days after the objections are filed. Failure to timely respond to an objection will be deemed lack of opposition resulting in the objection being sustained. Failure to timely object to an exhibit or witness constitutes a waiver and considered admission of that exhibit or witness. All rulings will be done by submission.

E. At trial, the first action a party will take during its case-in-chief will be to offer its exhibits into evidence.

11. **Witnesses.**

A. Attach a Witness List with the names and addresses of witnesses to be called, along with a brief statement of the nature of their testimony.
   (1) The Court requires any testifying witness to execute an affidavit in all 8 U.S.C. § 1503 cases. The parties will submit all affidavits as part of the joint pretrial order.

B. If other witnesses to be called at the trial become known, their names, addresses, and subject of their testimony will be reported to opposing counsel in writing as soon as they are known; this does not apply to rebuttal or impeachment witnesses.

12. **Settlements.** State that all settlement efforts have been exhausted, and the case will have to be tried.

13. **Trial.** State the estimated length of trial and any potential logistical programs, including availability of witnesses, out-of-state people, bulky exhibits, and documentation.

14. **Attachments.** Each party must file as a separate document (captioned, signed by counsel, and with service certified) the following required attachments in duplicate:

A. **For a Jury Trial:**
   (1) Proposed questions for the *voir dire* examination.
   (2) Proposed jury charge, including instructions, definitions, and special interrogatories, with authority.

B. **For a Non-Jury Trial:**
   (1) Proposed findings of fact and conclusions of law.
   (2) Conclusions of law with authority

Approved:

_____	_____
Attorney-in-Charge, Plaintiff(s)	Date
_____	_____
Attorney-in-Charge, Defendant(s)	Date

UNITED STATES DISTRICT COURT		SOUTHERN DISTRICT OF TEXAS
v.		BROWNSVILLE DIVISION Civil Action No. B- **EXHIBIT LIST**
☐ **Plaintiff's List** ☐ **Defendant's List**		**ATTORNEY**:
JUDGE: Rolando Olvera	**CLERK:** Johanna Cardenas	**REPORTER:** Sheila Perales

NO.	DESCRIPTION	OFR	OBJ	ADM	DATE
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UNITED STATES DISTRICT COURT		SOUTHERN DISTRICT OF TEXAS
v.		**BROWNSVILLE DIVISION** **Civil Action No. B-** **WITNESS LIST**
☐ **Plaintiff's List** ☐ **Defendant's List**		**ATTORNEY**:
JUDGE: Rolando Olvera	**CLERK:** Johanna Cardenas	**REPORTER:** Sheila Perales

NO.	NAME OF WITNESS
1.	
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UNITED STATES DISTRICT COURT		SOUTHERN DISTRICT OF TEXAS
v.		BROWNSVILLE DIVISION Civil Action No. B- **WITNESS ADDENDUM**
☐ **Plaintiff's List** ☐ **Defendant's List**		**ATTORNEY**:
JUDGE: Rolando Olvera	**CLERK:** Johanna Cardenas	**REPORTER:** Sheila Perales

NO.	WITNESS NAME	WITNESS ADDRESS
1.		
	Brief description of testimony:	
2.		
	Brief description of testimony:	
3.		
	Brief description of testimony:	
4.		
	Brief description of testimony:	
5.		
	Brief description of testimony:	

6.		
	Brief description of testimony:	
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	Brief description of testimony:	
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	Brief description of testimony:	
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	Brief description of testimony:	
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	Brief description of testimony:	
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	Brief description of testimony:	
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	Brief description of testimony:	
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	Brief description of testimony:	

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	Brief description of testimony:	
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	Brief description of testimony:	
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	Brief description of testimony:	
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	Brief description of testimony:	
20.		
	Brief description of testimony:	

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

NOTICE OF THE RIGHT TO TRY A CIVIL CASE BEFORE A MAGISTRATE JUDGE

With the consent of all parties, a United States Magistrate Judge may preside in a civil case, including jury trial and final judgment.

The choice of trial before a magistrate judge is at the sole discretion of the parties. Inform only the clerk. Neither the judge nor magistrate judge will be told until all the parties agree.

The district judge to whom your case is assigned must approve the referral to a magistrate judge. You may get consent forms from the Clerk of Court.

Nathan K. Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT | **SOUTHERN DISTRICT OF TEXAS**
BROWNSVILLE DIVISION

_____, *Plaintiff(s)*,	§	
v.	§	CIVIL ACTION B-
_____, *Defendant(s)*.	§	

CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE

All parties waive their right to proceed before a district judge and consent to have a United States Magistrate Judge conduct all further proceedings, including the trial and judgment. 28 U.S.C. § 636 (c).

_____ _____

_____ _____

ORDER TO TRANSFER

This case is transferred to United States Magistrate Judge _____ to conduct all further proceedings, including final judgment.

_____ _____

Date Rolando Olvera
United States District Judge

Courtroom Etiquette

People who appear before this Court must observe these conventions of courteous, orderly behavior:

1. Be punctual.

2. Remain in attendance until excused. All relevant persons seated before the bar in the courtroom area must remain at counsel table during each session and return after each recess. Parties and counsel must remain in attendance during jury deliberations.

3. Dress with dignity.

4. Address the Court as "your honor" or "Judge" and others only by their titles, if applicable, and surnames, including lawyers, witnesses, and court personnel.

5. Unless instructed otherwise, stand when the Court speaks to you and when you speak to the Court. Stand when the judge or jury enters or leaves the courtroom.

6. Approaching the bench should be limited, and permission to approach must first be granted by the Court.

7. Hand all documents or items tendered for examination by the judge to the Judicial Assistant only.

8. If you expect to be called as a witness, do not participate in a trial without prior permission of the Court.

9. Avoid disparaging remarks and acrimony toward counsel and discourage ill will between the litigants.

10. Counsel must advise their clients, witnesses, and associate counsel about proper courtroom behavior and pertinent rulings of the Court.