

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

\_\_\_\_\_ ,

Plaintiff,

v.

\_\_\_\_\_ ,

Defendant.

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Civil Action No. 1:16-cv-0\_\_\_\_

**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 as to each witness listed in the Joint Pretrial Order.*
  
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 and report deadline: 180 days before discovery deadline  
*See FRCP 26(a)(2)(D); Local Rule 9(A)(4).*
  
5. The defendant's expert and 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 FPC  
*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: 7 days after discovery deadline
- 8. Dispositive motions deadline: 15 days after discovery deadline  
*See FRCP 56(b).*
- 9. Non-dispositive motions deadline: 75 days before FPC  
*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/motion to exclude expert deadline: 75 days before FPC
- 11. Joint pretrial order (including witness/exhibit lists) deadline: 45 days before FPC  
*All parties must file the joint pretrial order on time. The following is only applicable to 8 U.S.C. § 1503 cases: Any testifying witness must execute an affidavit; the parties will submit all affidavits in conjunction with 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 and witness lists deadline: 10 days after JPO
- 13. Final Pretrial Conference is set for 2:00 P.M.: Please contact Case Manager for FPC date
- 14. Jury Selection is set for 10:30 A.M.: Please contact Case Manager 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. \_\_\_\_\_,  
Defendant.

§  
§  
§  
§ Civil Action No.  
§  
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### 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.  
\_\_\_\_\_,  
Defendant.

§  
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§  
§ Civil Action No.  
§  
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**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

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

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## 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?