



SENIOR JUDGE HILDA G. TAGLE

Bob Casey United States Courthouse
515 Rusk Street, Suite 8110
Houston, Texas 77002
(713) 250-5066

United States Courthouse
Linda Rivera, Case Manager
United States District Clerk
1133 N Shoreline Blvd Suite 208
Corpus Christi , Texas 78401

(361) 888-3142

CIVIL PROCEDURES Effective May 23, 2016

1. Contact with Court Personnel
2. Emergencies
3. Continuances
4. Appearances
5. Motion Practice and Briefs
6. Electronic Filings
7. Pretrial Conference And Scheduling Order
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14. Courtroom Procedures
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Note: This is helpful information. Nothing in it supersedes formal rules or common sense.

1. **CONTACT WITH COURT PERSONNEL**

- A. Case-related telephone inquiries are to be made to the Case Manager only. **Inquiries should not be made to the Court's judicial assistant or law clerks.**
- B. The Case Manager is not able to respond to calls about motion and case status. Inquiries to the Case Manager should be by phone unless it concerns a setting in the next 14 days, a criminal case, or a bona fide emergency.
- C. Information about the filing of documents, entry of orders, or docket entries should be obtained the Clerk's office, for Brownsville and for Corpus Christi Clerk at (361) 888-3142.
- D. At the Court's direction, law clerks may occasionally call counsel; however, they may only relay messages from the judge and will not discuss other matters.
- E. Correspondence.
 - 1. Substantive issues shall not be addressed in letter form because letters are not docketed or included in the appellate record.
 - 2. Case-related correspondence for both the Brownsville Division and Corpus Christi Division must be addressed to:

Case Manager for Senior U.S. District Judge Hilda G. Tagle
United States District Clerk
1133 N Shoreline Blvd Suite 208
Corpus Christi, Texas 78401

2. **EMERGENCIES**

- A. Counsel should contact the Case Manager at (361) 888-3142 for matters requiring immediate attention.
- B. Applications for restraining orders or other immediate relief must be made through the Clerk's office: Brownsville and Corpus Christi cases: U.S. District Clerk's Office

1133 N. Shoreline Blvd., Corpus Christi, Texas 78401 (361) 888-3142.

1. Applications 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 can be available for a conference before the Court.
 2. *Ex parte* applications for restraining orders will not be considered by the Court unless the requirements of Federal Rule of Civil Procedure 65(b) have been satisfied.
 - C. Motions for extension of deadlines in the Scheduling and Docket Control Order are not emergencies.
 - D. **A copy of emergency motions must be sent directly to Chambers so that they may be brought to the Court's attention promptly.**
3. **CONTINUANCES**
- A. Joint motions for continuances will be granted only at the Court's discretion.
 - B. If a motion for continuance will necessitate a modification of the scheduling order in the case, the motion will be granted only at the discretion of the court *and* upon a showing of good cause for the continuance. *See* FED. R. CIV. P. 16(b).
 - C. Trial will not be continued because an expert or medical witness is unavailable. Counsel should anticipate such possibilities and be prepared to present testimony by written deposition, videotaped deposition, or by stipulation.
 - D. 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 [adopted by the Court on October 24, 1991], 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."
4. **APPEARANCES**
- A. The attorney designated on the pleadings as "in charge" is required to attend all settings before the Court. If not able to do so, the attorney

substituting must be familiar with the case and have authority to make decisions binding on the represented party.

- B. If out-of-town counsel desire to appear by telephone, a written motion shall be submitted to the Court as far as reasonably possible in advance of the conference.
- C. Counsel will notify the Case Manager **immediately** of the resolution of any matter that is set for trial or hearing.
- D. If the court is not notified of the resolution by the day prior to the hearing date, attorneys are requested to personally appear to make the announcement of resolution to the court.

5. **MOTION PRACTICE AND BRIEFS**

- A. The Court follows the written motion practice described in the Local Rules, as well as Federal Rule of Civil Procedure 5.2 and Local Rule 18 - General Order #2004-11 (Privacy Act).
- B. All filings **must** be paginated.
- C. Unless otherwise indicated in the Scheduling Order, dispositive motions must be filed at least ninety days and non-dispositive motions must be filed at least forty-five days before the date set for final pretrial conference (also referred to as docket call).
- D. Counsel must respond to an opposed motion within **twenty (20) days** from the date the motion is filed with the Clerk's Office. If the movant chooses to file a reply, it must be submitted within **fourteen (14) days** thereafter. The reply should not unnecessarily repeat arguments made in the motion. It should only respond to any new arguments, authority or evidence presented by the opposing party in the response.
- E. After a motion, response, and reply are filed, the Court will not entertain any additional or supplemental filings unless they are accompanied by a motion for leave to file explaining why the additional filing is necessary in the interests of justice.
- F. Unless a motion hearing is set, it is within the Court's discretion to hear all motions to which the non-movant has had twenty days to respond at the next Court setting. If the movant makes a reply, it **MUST** be filed with the Clerk's Office at least seven (7) full days before the Court setting. Untimely replies will not be considered unless the Court grants a motion for leave to file the reply late.

- G. Any motion, response or reply filed after the time limits contained in these rules must be accompanied by a motion for leave to file that explains why the document was not timely filed. The Court will only grant a motion for leave to file a motion, response, or reply late for good cause. A motion, response, or reply filed late, and not accompanied by a motion for leave will be stricken.
- H. Requests for oral argument are unnecessary. The Case Manager will notify counsel should the Court determine that a motion hearing would be beneficial. It is within the Court's discretion to hear the motion at the next Court setting.
- I. All motions should incorporate supporting briefs and pertinent exhibits, and must be filed together.
- 1) All briefs and memoranda of law must be concise, pertinent, and well organized. Briefs and legal memoranda shall be limited to twenty-five (25) pages, unless permitted by the Court to exceed this limit. *See* 6.A.
 - 2) All briefs and memoranda must contain:
 - Statement of the Issues to be Ruled Upon by the Court: a short statement highlighting the issues before the Court with supporting authority and standard of review for each issue.
 - Short Statement of the Nature and Stage of the Proceeding: a short statement discussing the procedural history of the case.
 - Summary of the Argument: a short summary divided under appropriate headings succinctly setting forth separate points of law.
 - Conclusion: a short conclusion stating the precise relief sought.
 - 3) Any brief or memorandum with more than 10 pages of argument **must also** contain the following items.
 - Table of Contents: setting forth the page number of each section, including all headings designated in the body of the brief or memorandum.
 - Table of Citations: listing cases, statutes, rules, textbooks, and other authorities, arranged alphabetically.

- J. References to evidence in support of or in opposition to a motion must be specific, citing page and line numbers for depositions, or page and paragraph number for any other type of exhibit.
- K. 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 of raising claims of privilege, should be resolved by counsel without the Court's intervention.
- L. In order to curtail undue delay in the administration of justice, 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 are unable to reach an agreement. The statement shall recite the date, time, and place of such conference, and the names of all parties participating therein. If counsel have been unable to confer because of unavailability or unwillingness of opposing counsel to do so, the statement shall recite the facts concerning attempts to confer.
- M. Motions for extension of discovery must be filed far enough in advance of the deadline so that opposing counsel may respond prior to the deadline.
- N. Please append copies of cases and the relevant portions of authorities cited in a brief, memorandum, or motion if the authorities are not found in standard case reporters or are not available on Westlaw.
- O. Append copies of any affidavits, deposition testimony, or other discovery referenced.
- P. All appendices must contain a paginated table of contents and tabs in order to allow the Court to locate the materials easily.

6. **ELECTRONIC FILINGS**

Special Procedures Related to Electronic Filings

- A. Nearly all civil cases filed in this District must be filed through the Electronic Case Filing System (ECF). Separation of a motion, brief, and attachment in an effort to avoid the above-referenced page limitation requirement will not be accepted.
- B. The parties shall submit a paper hard courtesy copy to the District Clerk's Office only upon the Court's request. If no request is made by the

Court, the parties need not file courtesy copies of any filings made through the ECF System.

- C. If the Court requests courtesy copies, the Court will direct the parties as to where to file the hard courtesy copy.
- D. When requested, hard courtesy copies to the District Clerk's Office **must** be submitted **in addition to** the electronic filing of the documents.

7. **PRETRIAL CONFERENCE AND SCHEDULING ORDER**

- A. Pretrial conferences are discretionary with this Court and are not set routinely. Counsel may, however, request a pretrial conference by motion to the Court expressing the reason such conference is necessary. Additionally, if it deems a pretrial conference beneficial, the Court will notify the parties.
- B. After a party files or removes a case, the Court will issue an order providing a deadline by which the joint discovery/case management plan must be filed.
- C. Joint Discovery/Case Management Plan
 - 1. Pursuant to Federal Rule of Civil Procedure 26(f), counsel shall conduct a discovery conference, and file with the United States District Clerk a joint discovery/case management plan with an attached proposed scheduling order.
 - 2. Upon receipt of the joint discovery/case management plan and proposed scheduling order, the Court will enter a scheduling order.
 - 3. A template joint discovery/case management plan is attached to these Chamber Procedure Rules.
 - 4. A template Proposed Scheduling Order is attached to these Chamber Procedure Rules. *See* Local Rule 8.
 - 5. Any motion or request that seeks a modification of the Scheduling Order or which implicitly necessitates such a modification must abide by the requirements of Federal Rule of Civil Procedure 16(b).

8. **JOINT PRETRIAL ORDERS**

- A. The joint pretrial order must be signed by all counsel. Counsel for the plaintiff is responsible for timely filing of the Joint Pretrial Order.
- B. The form joint pretrial order attached to these rules must be followed. Adaptations necessary due to the size and type of case are acceptable.
- C. Parties must file an original and one (1) copy of their exhibit list, objections to the exhibits, if any, and witness list for all trials and hearings. *See* attached form.
- D. The Court maintains a four-week trailing docket. A trial date will be determined at or after the Final Pretrial Conference.
- E. Unless the scheduling order states otherwise, a joint pretrial order must be filed at least 14 days before the Final Pretrial Conference.

9. **TRIALS**

- A. The Court generally holds one trial docket call each month and this docket call is the final pretrial conference.
- B. All pending motions may be ruled on at docket call.
- C. The order in which the cases are set for trial, jury or non-jury, will be determined at docket call.

10. **JURY TRIALS**

- A. Each party must file an original and one (1) copy of the following documents separately (captioned, signed by counsel, and with service certified):
 - 1. Proposed voir dire questions
 - 2. Proposed jury instructions
 - 3. Definitions
 - 4. Interrogatories and
 - 5. Memorandum of law
- B. The jury instructions and interrogatories must be simple and concise.

- C. Each requested instruction, definition, and interrogatory must be numbered and presented on a separate sheet of paper with the citation of authority upon which counsel rely.
- D. The Court will conduct the examination of the venire.

11. **NON JURY TRIALS**

- A. Each party must file an original and one (1) copy of the following documents separately (captioned, signed by counsel, and with service certified):
 - 1. Proposed Findings of Fact and Conclusions of Law
 - 2. Memorandum of law
- B. Each proposed conclusion of law must cite supporting authority.
- C. Counsel are strongly encouraged to include references to testimony and exhibits that support each proposed finding of fact.

12. **EXHIBITS**

- A. All exhibits must be marked and exchanged among counsel prior to trial. The offering party will mark each of his own exhibits with the party's name, case number, and exhibit number.
- B. Any counsel requiring authentication of an exhibit must notify offering counsel in writing within seven (7) days after the exhibit is made available to opposing counsel for examination. Failure to do so is an admission of authenticity.
- C. The Court will admit all exhibits listed in the Final Joint Pretrial Order into evidence unless opposing counsel files written objections supported by authority at least five (5) days before trial.
- D. Counsel will not pass exhibits to the jury during trial without obtaining permission in advance from the Court. All admitted exhibits will go to the jury during its deliberations.
- E. Counsel for each party is required to provide the Court with two copies of that party's exhibits in a properly tabbed and indexed notebook.
- F. Whenever practicable, an exhibit in an electronic format, such as an image, data file, or an audio or video recording, should be in a commonly

used format. The jury should be able to view such exhibit in the jury room without technical assistance. Counsel should consult with the Case Manager at least seven days before the hearing with any questions about exhibits in electronic format.

G. Disposition of Exhibits Following Trial:

1. Exhibits that are not easily stored in a file folder (e.g. posters, parts, or models) must be withdrawn after the completion of the trial and reduced reproductions or photographs substituted.
2. If there is no appeal, exhibits will be removed by the offering party within thirty (30) days after disposition of the case.
3. When there is an appeal, exhibits returned by the Court of Appeals will be removed by the offering party within fourteen (14) days after written notice from the clerk.
4. Exhibits not removed will be disposed of by the clerk, and the expenses incurred will be taxed against the offering party.

13. **EQUIPMENT**

- A. Counsel are responsible for providing any equipment necessary to facilitate opening/closing arguments. If counsel plan to bring equipment to trial, inform the Case Manager so arrangements can be made to accommodate security.
- B. Easels with writing pads, drawing boards, and a visualizer (ELMO) are available for use in the courtroom. Equipment is available for CD-ROMS.
- C. The visualizer (ELMO) is available for projecting letter-sized documents (or smaller), including pictures, to the bench, counsel table, witness box, and jurors. Documents are best viewed when typed in Arial 12-point font.
- D. A desktop computer is available to view pictures that are in the JPEG format. Please contact the Case Manager before trial begins to use equipment.
- E. Devices for auditory assistance are available for the hearing impaired.

14. **COURTROOM PROCEDURES**

- A. Hours: The Court will generally convene for trial at 9:00 a.m. and adjourn at 5:00 p.m., recessing for lunch between 12:00 p.m. and 1:30 p.m.

- B. Access at Other Times: Counsel requesting access to the courtroom to set up equipment or exhibits before or after normal hours of Court must make arrangements in advance with the Case Manager.
- C. Telephones: Telephone messages for counsel will **NOT** be taken by the Court's staff, and counsel shall refrain from requesting use of telephones in chambers.
- D. Filing Documents: The original and **ONE** copy of documents filed immediately prior to and during the trial should be submitted to the Case Manager.
- E. Decorum:
1. Counsel and parties will comply with Local Rule 83.8 and Appendix C regarding courtroom behavior.
 2. Counsel will ensure that all parties and witnesses refrain from chewing gum, drinking, eating, smoking, or reading newspapers, books, etc., in the courtroom. No cellular telephones or pagers are allowed in the courtroom.
- F. Witnesses:
1. Counsel are responsible for summoning witnesses to the courtroom and instructing them on courtroom decorum. Counsel must question witnesses while standing at the podium, unless other accommodations are necessary.
 2. Counsel must obtain the Court's permission before approaching a witness.
 3. Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.
 4. 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 or she has been subpoenaed and has failed to appear.
 5. Counsel are responsible for making arrangements for a court interpreter as needed for specific witnesses.

- G. Seating: The Court does not designate seating at counsel tables. Seating is determined on a first come first served basis on the first day of trial.
- H. Deliberations: While the jury is deliberating, counsel are to remain near the courtroom to be available for jury notes or a verdict unless granted permission by the Court.
- I. Ex-juror contact: After the jury and counsel are excused, counsel may contact jurors as the individual juror allows.

15. DEPOSITIONS

- A. The Court will accept the parties' agreement to use a deposition at trial even when the witness is available. Otherwise, parties must follow Federal Rule of Civil Procedure 32.
- B. Counsel will designate the portion of any deposition to be read by citing page and line numbers in the Joint Pretrial Order. Objections to those portions, citing page and line numbers, with supporting authority must be filed at least five (5) days before trial.
- C. Use of videotape depositions is permitted if counsel voluntarily edit them to resolve objections and incorporate rulings by the Court.
- D. In a non-jury trial, counsel shall provide a list of the portions of the depositions offered as an exhibit, citing page and line numbers.

16. SETTLEMENT AND ORDERS OF DISMISSAL

- A. Announcements of Settlement:
 - 1. Counsel shall **immediately** notify the Case Manager upon settlement of any pending case set for conference, hearing, or trial.
 - 2. Parties must file a **written** notice of settlement followed by a stipulation of dismissal signed by all parties pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), when appropriate.
- B. Suits Involving Minor Plaintiffs:
 - 1. Upon settlement of a suit involving a minor plaintiff, counsel will jointly move for appointment of an attorney ad litem if there is potential conflict of interest between the parent(s) and the minor.

2. The parties may (but are not required to) jointly submit the names of agreed proposed ad litem. The Court will consider any names submitted, but reserves the right to appoint an ad litem of its own selection.
 3. Contemporaneously with the Motion for Appointment, counsel will request a settlement hearing by motion.
 4. All parties and attorneys must appear for the settlement hearing, unless excused by the Court.
- C. Any cause of action where service upon defendant has not been perfected within 90 days after filing of the complaint will be dismissed for want of prosecution in accordance with Federal Rule of Civil Procedure 4(m).

17. **ATTACHMENTS**

1. Template Joint Discovery/Case Management Plan
2. Template Proposed Scheduling Order
3. Required Content of the Joint Pretrial Order
4. Template Exhibit List
5. Template Witness List
6. Notice of the Right to Try a Civil Case before a Magistrate Judge
7. Consent to Proceed before a Magistrate Judge/Order to Transfer
8. Telephone Contact Listing

18. **MEDIA**

- A. The Court will not to discuss pending or concluded matters with members of the media. This policy is inclusive of all members of the Court staff, including the case manager, law clerks, and judicial assistant.
- B. Media requests to the Court must be in writing and must state the reason for the request. General interest for a news story is not an adequate reason. The granting or denial of such a request is exclusively in the discretion of the Court.

- C. In the event the Court agrees to meet with the media, the Court will only discuss matters of fact and public record. The Court will not comment on any pending matter.
- D. In no event is a member of the media permitted to make audio and/or video recordings of any proceedings in the Courtroom without first obtaining permission of the Court. Such permission must be requested in writing and must be accompanied by a legal basis for making such a recording. The requesting media personnel should cite statutory authority for the request. *See, e.g., Chandler v. Florida*, 449 U.S. 560 (1981); *United States v. Edwards*, 785 F.2d 1293 (5th Cir. 1986).
- E. If a party believes that another party or an attorney is discussing inappropriate matters with the media or is engaging in contact with the media that will create substantial prejudice against the party in a pending matter, the party should file a motion to restrict publicity. Such a motion should state the conduct and prejudicial effect with particularity. The Court will rule on such a motion at the earliest possible opportunity. *See, e.g., Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1036, 1075 (1991); *United States v. Brown*, 218 F.3d 415, 418, 423 (5th Cir. 2000).
- F. Nothing in this rule shall be read to prohibit the media from attending hearings or trials or from being present in the Courtroom. Furthermore, this rule shall not prohibit members of the media in attendance from taking notes during a proceeding or from reporting on the events of the proceeding.

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CIVIL ACTION NO.

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

Please restate the instruction before furnishing the information.

1. 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.
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 and the reasons.
5. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.
6. List anticipated interventions.
7. Describe class-action issues.
8. 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.
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 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).
10. If the parties are not agreed 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 to date.
 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. Civil cases may be referred to the United States Magistrate Judge for mediation/arbitration and/or settlement conference.
 14. Describe what each party has done or agreed to do to bring about a prompt resolution.
 15. 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.
 16. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge. Motions in civil cases may be referred to the United States Magistrate Judge for consideration on a case-by-case basis.
 17. State whether a jury demand has been made and if it was made on time.
 18. Specify the number of days it will take for all parties to present the evidence in this case.

19. List pending motions, if any.
20. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.
21. List the names, federal and state bar numbers, addresses, telephone and fax numbers of all counsel and whom they represent.

Counsel for Plaintiff(s)

Date

Counsel for Defendant(s)

Date

VERSUS

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CIVIL ACTION NO.

Proposed Scheduling Order

1. Trial: Estimated time to try: _____ days. [] Bench [] Jury

G. New parties must be joined by: _____
Furnish a copy of this scheduling order to new parties.

H. Deadline to amend pleadings: _____
Parties must comply with Federal Rule of Civil Procedure 15(a) in amending
pleadings before this deadline.

I. Parties shall mediate case and submit a status report by: _____

J. The plaintiff's experts will be named with a report furnished by: _____

4. The defendant's experts must be named with a report furnished within 30 days of the deposition of
the plaintiff's expert. _____

5. Discovery must be completed by: _____
Counsel may agree to continue discovery beyond the deadline, but there will be no intervention by the court.
No continuance will be granted because of information acquired in post-deadline discovery.

***** The court will provide the following dates *****

6. Dispositive Motions will be filed by: _____

7. Joint pretrial order is due: _____
The plaintiff is responsible for filing the pretrial order on time.

8. Docket Call and final pretrial conference is set for 1:30 p.m. on: _____

9. Jury Selection is set for 9:00 a.m. on: _____

The case will remain on standby until tried.

Signed _____, 20____.

HILDA G. TAGLE
Senior United States District Judge

Counsel, please sign on the back.

Counsel for _____

Counsel for _____

Counsel for _____

Counsel for _____

Counsel for _____

Counsel for _____

REQUIRED CONTENT OF THE 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 of 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. **Motions.** List pending motions.
5. **Contention of the Parties.** State concisely in separate paragraphs each party's claims.
6. **Admission of Fact.** List all facts that require no proof.
7. **Contested Issues of Fact.** List all material 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. On a separate form similar to the one provided by the Clerk, each party will attach two lists of all exhibits expected to be offered and will make the exhibits available for examination by opposing counsel. All documentary exhibits must be exchanged before trial, except for rebuttal exhibits or those whose use cannot be anticipated.
 - B. A party requiring authentication of an exhibit must notify the offering counsel in writing within five days after the exhibit is listed and made available; failure to object in writing in advance of the trial concedes authenticity.

- C. Within reason, other objections to admissibility of exhibits must be made at least five days before trial; court will be notified in writing of disputes, with copies of the disputed exhibit and authority.
- D. Parties must mark their exhibits to include the date and case number on each.
- E. At the trial, the first step will be the offer and receipt in evidence of exhibits.

11. **Witnesses.**

- A. On a separate form, each party will attach four lists with the names and addresses of witnesses who may be called with a brief statement of the nature of their testimony.
- B. Include: 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 estimated length of trial and logistical problems, 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) these required attachments in duplicate.

A. For a jury trial:

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

B. For a non-jury trial:

- (1) Proposed findings of fact with agreed and contested ones separated.
- (2) Conclusions of law with authority.

United States District Judge

Date: _____

Approved by:

Attorney-in-Charge, Plaintiff

Date: _____

Attorney-in-Charge, Defendant

Date: _____

UNITED STATES DISTRICT COURT



SOUTHERN DISTRICT OF TEXAS

<i>VERSUS</i> - - - - -	CIVIL ACTION NO.
	EXHIBIT LIST
JUDGE HILDA G. TAGLE	CASE MANAGER LINDA RIVERA COURT REPORTER/ERO:
LIST OF <input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	PROCEEDING DATE

No.	DESCRIPTION	OBJ	ADM	NOT ADM	DATE
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UNITED STATES DISTRICT COURT



SOUTHERN DISTRICT OF TEXAS

VERSUS - - - - -

CIVIL ACTION NO.

WITNESS LIST

JUDGE HILDA G. TAGLE

CASE MANAGER: LINDA RIVERA
COURT REPORTER/ERO:

LIST OF

PROCEEDING

DATE

PLAINTIFF

DEFENDANT

1.

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

WITH THE CONSENT OF ALL THE 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
ENTIRELY YOURS. TELL ONLY THE CLERK. NEITHER THE JUDGE
OR 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.

NATHAN OCHNER, *CLERK*

