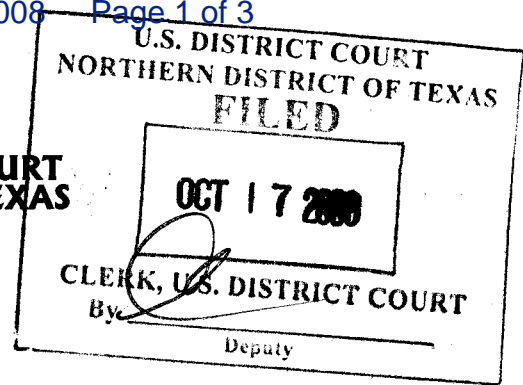


ORIGINAL



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MICHAEL J. QUILLING, ET AL.,

Plaintiff,

v.

ERWIN & JOHNSON, LLP, ET
AL.,

Defendants.

CIVIL ACTION NO.

3:CV-07-1153-P

SCHEDULING ORDER
TRIAL DATE: March 1, 2010, 9:00 am.
PRETRIAL CONFERENCE DATE: February 12, 2010, 9:30 am.

The Court having reviewed the parties' Written Report Outlining Proposed Discovery Plan and Trial Date filed on September 30, 2008 establishes the following schedule for disposition of this case:

- 1) This case is scheduled for a **JURY TRIAL** on this Court's two-week docket beginning **March 1, 2010 at 9:00 am.**
- 2) A Pretrial Conference is scheduled for **February 12, 2010, at 9:30 am.**
- 3) Counsel shall comply with Fed. R. Civ. P. 26(a)(1) no later than **November 20, 2008;**
- 4) Motions for leave to join other parties shall be filed by **August 28, 2009;**
- 5) Motions for leave to amend pleadings shall be filed by **August 28, 2009;**
- 6) The party with the burden of proof on a claim shall file a designation of expert witnesses and comply with Rule 26(a)(2) no later than **July 30, 2009;**
- 7) Rebuttal designation of expert witnesses and compliance with Rule 26(a)(2) shall be made no later than **August 28, 2009;**
- 8) All discovery procedures shall be initiated in time to complete discovery by **October 30, 2009;**
- 9) Counsel shall confer and file a joint report setting forth the status of settlement negotiations by **November 13, 2009;**
- 10) All dispositive motions, including motions for summary judgment on all or some of the claims, Daubert motions, and motions to exclude or objections to expert witnesses, shall be filed by **November 30, 2009;**

- 11) Counsel shall file by **February 5, 2010**, a Joint Pretrial Order containing the information required by Local Rule 16.4 plus the following:
- (a) A list of witnesses who may be called by each party in its case in chief. Each such witness list shall contain a narrative summary of the testimony to be elicited from each witness, shall state whether the witness has been deposed, and whether the witness' testimony at trial is "probable," "possible," "expert," or "record custodian." A copy of this list must be furnished to the court reporter prior to trial.
 - (b) Each party's requested jury instructions (annotated) and interrogatories.
 - (c) A report as to settlement negotiations and the status thereof as of the date of the Pretrial Order.
 - (d) Trial briefs may be filed with the Pretrial Order, but are not required unless specifically requested by the Court.

The Joint Pretrial Order will control all subsequent proceedings in the case.

12) The actions required by Local Rule 26.2 shall be accomplished by **February 17, 2010**. This shall include furnishing a marked copy of the exhibits to the Court's chambers. **PLEASE NOTE:** All exhibits are to be placed in three-ring binders. Label the notebook with the style of the case, case number, and whether it is plaintiff(s) exhibit notebook or defendant(s) notebook. The first page of the notebook should have the style of the case, case number, and "Plaintiff(s)/Defendant(s) Exhibit Notebook." The next page should be the exhibit index. Each exhibit should be tabbed for ease of locating the exhibit. Special exhibit labels are not necessary. You may use the standard plaintiff/defendant exhibit labels. In jury trials, provide one set of exhibits for the judge. In bench trials, provide one set of exhibits for the judge and one set of exhibits for the law clerk. Have exhibits delivered to chambers. The Court does not accept the original exhibits prior to trial. The original exhibits are retained by counsel and shall be admitted into the official record throughout the trial. It is the duty of counsel to care for the original exhibits before and after trial. A receipt for exhibit form will be given to counsel after the trial, indicating that the original exhibits have been taken back into the custody of each counsel. Said receipt for exhibit form will be filed with the District Clerk and will become part of the official record in the case. It will be the responsibility of each counsel to forward to the Court of Appeals any exhibits deemed necessary for appeal. **All questions regarding exhibits are to be directed to the Court Reporter at 214/753-2349.**

- 13) Objections to witnesses (except expert witnesses), exhibits, and deposition designations shall be filed by **February 22, 2010**.

Counsel must confer about exhibits and make reasonable efforts to agree upon admissibility.

- 14) Motions in limine and requested voir dire questions shall be filed by **February 22, 2010**.
- 15) All objections to the proposed jury instructions shall be filed by **February 22, 2010**.

The courtroom is now equipped with computer monitors at the bench, counsel table, the jury box, and the witness chair. These monitors permit the display of an exhibit at all of those locations simultaneously, together with the possibility of highlighting portions of the exhibit. Counsel contemplating the use of such equipment at trial should schedule training prior to the trial setting on the use of such equipment for themselves and/or their assistants who will be operating it. Training is available upon request from Deputy Clerk Amanda Miller at 214/753-2231. Each training session will last between thirty minutes and one hour.

Any requests for extensions of these deadlines will be viewed with disfavor and will be denied, absent a showing of good cause.

The Court will determine the order in which the cases will be tried on this two-week docket at the pretrial conference. Counsel and the parties shall be ready for trial on 48 hours notice at any time during this two-week period.

IT IS SO ORDERED.

Signed October 17, 2008.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE