

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

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

VS.

MEGAFUND CORPORATION,
ET AL.

Defendants.

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NO. 3-05-CV-1328-L

INITIAL SCHEDULING ORDER

This scheduling order is entered pursuant to the Civil Justice Expense and Delay Reduction Plan for the Northern District of Texas and Fed. R. Civ. P. 16(b):

1. **Dispositive Motions.** All dispositive motions must be filed by **July 28, 2006.** The motion must be accompanied by a brief not to exceed 30 pages in length. *See* LCivR 56.5(b) (as modified). Any affidavits, depositions, written discovery materials, or other summary evidence must be included in a separate appendix. The appendix shall be numbered sequentially from the first page through the last, and include an index of all documents contained therein. An envelope that contains a non-documentary or oversized exhibit must be numbered as if it were a single page. *See* LCivR 56.6. No party may file more than one motion for summary judgment without leave of court. *See* LCivR 56.2(b).

The court will establish a summary judgment briefing schedule by separate order. Ordinarily, the non-movant will be given 30 days to file a response. The movant will then have 15 days to file a reply. No supplemental pleadings, briefs, or summary judgment evidence will be allowed without leave of court. *See* LCivR 56.7.

2. **Discovery.** All discovery must be initiated in time to be completed by **June 28, 2006.** This includes the use of subpoenas to obtain documents from third parties under Fed. R. Civ. P. 45 and the supplementation of discovery responses as required by Fed. R. Civ. P. 26(e). The presumptive limit of 10 depositions per side, seven hours per deposition, and 25 interrogatories per party shall apply in this case. *See* FED. R. CIV. P. 30(a)(2)(A) & 33(a). No other limitations on discovery are imposed at this time.

3. **Expert Witnesses.** A party with the burden of proof on a claim or defense must designate expert witnesses by **May 26, 2006.** A party who intends to offer expert evidence “intended solely to contradict or rebut evidence on the same subject identified by another party” must designate expert witnesses by **June 16, 2006.** The designation of experts must comply with the provisions of Fed. R. Civ. P. 26(a)(2), including the preparation of a written report signed by the expert. However, a written report is only required from a witness “who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony.” *See* FED. R. CIV. P. 26(a)(2)(B).

4. **Amendment of Pleadings.** Motions for leave to amend pleadings must be filed by **April 21, 2006.** A timely-filed motion will be granted as a matter of course absent a showing of prejudice or futility. *See* FED. R. CIV. P. 15(a). No amendments will be allowed after this deadline except upon a showing of good cause. *See* FED. R. CIV. P. 16(b).

5. **Joinder of Parties.** All parties must be joined by **April 21, 2006.**

The parties may modify any of these pretrial deadlines by agreement, except the deadline for filing dispositive motions. A formal motion to modify is not required. The parties may simply notify the court of their agreement by letter. The deadline for filing dispositive motions will not be modified except upon written motion for good cause shown.

The court will set this case for trial by separate order after all dispositive motions have been decided. The order will establish trial-type deadlines, including a deadline for submitting a joint pretrial order, witness lists, exhibit lists, deposition excerpts, and a proposed jury charge or findings of fact and conclusions of law. Deadlines will also be established for filing motions in limine and other trial-related motions.

The failure to comply with any part of this order may result in the imposition of sanctions.

See FED. R. CIV. P. 16(f).

SO ORDERED.

DATED: March 27, 2006.



JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE