

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

MICHAEL J. QUILLING, as Receiver
for Sardaukar Holdings, IBC and
Bradley C. Stark

Plaintiff,

VS.

3-D MARKETING, LLC

Defendant.

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NO. 3-06-CV-0293-L

INITIAL SCHEDULING ORDER

At a status conference held on September 1, 2006, the parties proposed a schedule for the prompt settlement or summary disposition of this case. Accordingly, the following initial 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.** Plaintiff shall file a motion for summary judgment by **November 17, 2006.** The motion must be accompanied by a brief not to exceed 25 pages in length. *See* LCivR 56.5(b) (as modified). Any affidavits, depositions, written discovery materials, or supporting 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.

Defendant shall file a combined cross-motion for summary judgment and response to plaintiff's motion for summary judgment by **December 7, 2006.** This pleading must be accompanied by a brief not to exceed 25 pages in length. Any supporting evidence must be included in a separate

appendix that complies with the requirements set forth above. Plaintiff may file a combined reply brief and response to defendant's cross-motion for summary judgment by **December 22, 2006**. Defendant may file a reply brief to plaintiff's response by **January 5, 2007**. Reply briefs shall not exceed 15 pages in length. No additional evidence may be submitted in support of a reply, except that plaintiff may file an appendix of evidence to support his response in opposition to defendant's cross-motion for summary judgment. 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 **November 3, 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.

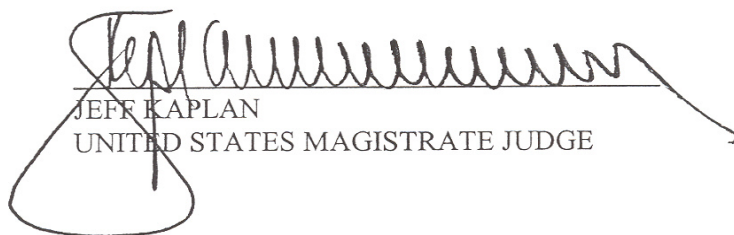
3. **Amendment of Pleadings**. Motions for leave to amend pleadings must be filed by **September 15, 2006**. A timely-filed motion will be granted as a matter of course absent a showing of prejudice or futility. *See* FED. R. CIV. P. 15(a). No amendments will be allowed after this deadline except upon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

4. **Initial Disclosures**. Unless the parties otherwise stipulate, initial disclosures must be made by **September 8, 2006**. Such disclosures shall comply with Fed. R. Civ. P. 26(a)(1).

The court will enter further orders, if necessary, after all dispositive motions have been decided.

SO ORDERED.

DATED: September 1, 2006.



JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE