

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

MICHAEL J. QUILLING, as Receiver
for Megafund Corporation and
Stanley A. Leitner

Plaintiff,

VS.

ALLAN CLARK, ET AL.

Defendants.

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NO. 3-07-CV-0926-L

ORDER

This case has been referred to U.S. Magistrate Judge Jeff Kaplan for pretrial management pursuant to 28 U.S.C. § 636(b) and a standing order of reference filed on June 6, 2007. The following order is hereby entered pursuant to the Civil Justice Expense and Delay Reduction Plan for the Northern District of Texas and Fed. R. Civ. P. 26(f).

1. **Meeting of Counsel.** Lead counsel for all parties shall confer in person or by telephone not later than **July 2, 2007**. During this conference, the attorneys will be expected to discuss: (a) the nature and basis of their claims and defenses; (b) the possibilities for a prompt settlement or resolution of the case; (c) a proposed discovery plan; (d) the preservation of electronically stored information, including the need for a protective order; and (e) the other matters specified in Fed. R. Civ. P. 16(b). Any attorney who fails to participate in this conference will be subject to sanctions.

2. **Joint Status Report and Proposed Scheduling Plan.** The parties shall submit a joint status report and proposed scheduling plan by **July 16, 2007**. This report must contain the following information:

- (a) A brief description of the nature of the case and contentions of the parties;
- (b) Any challenges to jurisdiction or venue;
- (c) Any pending or contemplated motions;
- (d) A proposed deadline to file motions to amend pleadings and join additional parties;
- (e) A proposed deadline to file dispositive motions and other pretrial motions;
- (f) A proposed discovery plan, including:
 - (i) Whether discovery should be conducted in phases or limited to certain issues;
 - (ii) Whether the presumptive limits of 10 depositions per side, seven hours per deposition, and 25 interrogatories per party should apply in this case. Any party who suggests that these limits should not apply must set forth the reasons for variance from the rules;
 - (iii) Any other proposed limitations on discovery;
 - (iv) A proposed deadline to designate expert witnesses and exchange written reports; and
 - (v) A proposed deadline to complete discovery and supplement responses;
- (g) The position of each party regarding mediation or other forms of alternate dispute resolution, including a proposed deadline for the completion of such procedures;
- (h) A proposed trial date and whether a jury has been demanded;
- (i) Whether the parties will consent to trial, either jury or non-jury, before the magistrate judge; and
- (j) Any other matters relevant to the status or disposition of the case.

The joint status report and proposed scheduling plan must be signed by all counsel of record. Any attorney who fails to sign the report will be subject to sanctions. If the parties cannot agree on a particular recommendation, the report must set forth the nature of the disagreement and explain why agreement could not be reached. The court will resolve any disputes based on the written submissions of the parties.

3. **Commencement of Discovery.** A party may not seek discovery from any source without leave of court before the attorneys meet and confer as required by Fed. R. Civ. P. 26(f).

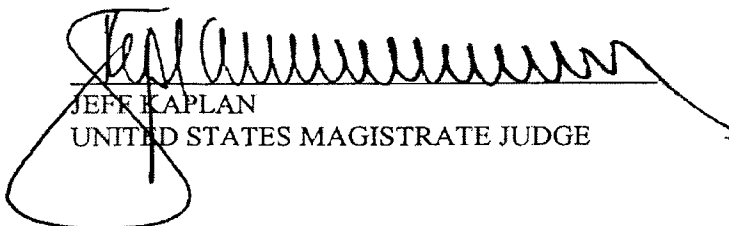
4. **Initial Disclosures.** Unless the parties otherwise stipulate, initial disclosures must be made at or within 14 days of the Rule 26(f) conference. Such disclosures shall comply with Fed. R. Civ. P. 26(a)(1).

5. **Scheduling Conference.** The court will enter a revised scheduling order after the parties submit their joint status report and proposed scheduling plan. A scheduling conference will be held upon the request of any party. The court may also set a scheduling conference in appropriate cases.

Any questions concerning this order should be directed to Judi Andrew, Judicial Assistant for Judge Kaplan, at (214) 753-2400.

SO ORDERED.

DATED: June 18, 2007.


JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE