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

MICHAEL J. QUILLING, Receiver for	§	
Megafund Corporation and Lancorp	§	
Financial Group, LLC,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:06-CV-0299-R (BH)
v.	§	
	§	
	§	
KENNETH WAYNE HUMPHRIES,	§	
	§	
Defendant.	8	Automatic Referral

ORDER REGARDING JUDGE BUCHMEYER'S SCHEDULING ORDER

Pursuant to the District Court's *Scheduling Order*, filed February 23, 2006, all pleading and discovery disputes and other non-dispositive motions are automatically referred to the undersigned U.S. Magistrate Judge for disposition. This order controls all such automatic referrals in this case.

I. TITLE OF DISPUTED MOTIONS

1. Any automatically-referred pleading **must** be titled in accordance with the instructions set forth in paragraph 4(a) of the District Court's Scheduling Order, which provides as follows:

The first pleading or discovery dispute filed in this case SHALL be titled "PLEADING/DISCOVERY DISPUTE NO. 1," and each subsequent pleading/discovery dispute shall be numbered consecutively (i.e., "PLEADING/DISCOVERY DISPUTE NO. 2, ... NO. 3," etc.)

Consecutive numbering should be used for all disputes, regardless of which party filed the previous motion, and regardless of whether the dispute involves a pleading (i.e, motion to strike or motion for leave to amend) or discovery (i.e., motion to compel or motion for protective order). In addition,

the title of each pleading **must** also clearly identify the filing party and the subject matter of the dispute. Examples of appropriately-titled motions are as follows:

PLEADING/DISCOVERY DISPUTE NO. 1
Plaintiff's Motion to Compel Production of

Documents and Brief in Support

<u>PLEADING/DISCOVERY DISPUTE NO. 2</u> Defendant's Response to Plaintiff's Motion for Leave to Amend Complaint and Brief in Support

This numbering system assists in the Court in tracking pleadings for a particular dispute, especially in those cases involving multiple disputes within a short period of time.

2. Every automatically-referred pleading <u>must include the identifying notations</u> "(BH)" at the end of the case number and "Automatic-Referral" under the case number, as demonstrated above in the style of this case. These notations will assist the District Clerk's Office in routing the pleading to the appropriate court. The notations should <u>not</u> be used for pleadings which are not automatically referred by the District Court's Scheduling Order.

II. HAND-DELIVERY REQUIRED

3. When an automatically-referred pleading is filed with the District Clerk's Office, a copy must be hand-delivered on that same day to the undersigned U.S. Magistrate Judge's chambers on the 15th Floor, Room 1567. Hand-delivery ensures that the Court's receipt of the pleading is not delayed for any reason.

III. BRIEF IN SUPPORT REQUIRED

4. Local Rule 7.1 of the Local Civil Rules for the Northern District of Texas requires the filing of briefs in support of most motions. Pursuant to subsection (d), briefs shall contain a "party's contentions of fact and/or law, and arguments and *authorities*." (emphasis added). Briefs containing authorities greatly assist the Court in making rulings more expeditiously. Pleadings

which do not comply with the briefing requirements of the Local Rules, including, but not limited to Local Rule 7.1, shall be unfiled via a "Notice of Deficiency" form order.

IV. GOOD FAITH CONFERENCE REQUIRED BEFORE FILING MOTION

- 5. Local Rule 7.1(a) of the Local Civil Rules for the Northern District of Texas requires that the parties confer before filing certain types of motions. Genuine, good-faith efforts by the parties to resolve their disputes before seeking Court intervention often result in greater control over the outcome, acceptable compromise, or appreciably narrowed issues; these efforts also result in cost savings for the litigants. The Court recognizes that opposing parties will have reasonable disagreements throughout litigation that will require the Court's resolution. However, the parties must comply with Local Rule 7.1(a) and *Dondi Properties Corp. v. Commerce Sav. & Loan Ass'n*, 121 F.R.D. 284, 289-90 (N.D. Tex. 1988) (discussing proper utilization of then Local Rule 5.1(a), which is now Local Rule 7.1(a)), in an earnest attempt to ensure that the issues presented to the Court are unbridgeable and supported by reasonable yet differing positions. The parties are therefore directed to confer in good faith prior to filing a motion.
- 6. During the conference, the parties should engage in an item-by-item discussion of each issue in dispute. If unresolved issues remain after the conference, the moving party shall proceed to file a motion. The motion must include a certificate of conference which sets forth the date of the conference, the length of the conference, and the names of the persons who attended or participated in the conference. Motions which do not comply with this requirement shall be unfiled via a "Notice of Deficiency" form order.
- 7. Any party, including the moving party, who refuses to confer as directed in these instructions may be subject to sanctions.

V. SPECIAL INSTRUCTIONS FOR DISCOVERY DISPUTES

8. This Court encourages the use of informal preliminary telephone conferences as a means of

resolving *narrow* discovery and pleading disputes in an expeditious and economical manner prior

to the filing of a formal motion. This type of conference is especially effective for scheduling

disputes and disputes which occur regarding or during depositions.

9. After conferring as required in Section IV of this Order, and prior to filing a motion, the

parties may request a telephonic conference with the Court by calling Courtroom Deputy Lisa

Martin at 214-753-2167 or by calling Chambers at 214-753-2392. If the Court is unavailable, a

conference call will be scheduled as soon as possible. If the Court determines during the conference

that the issue is more appropriately determined after briefing, the Court may direct that a formal

motion be filed.

10. Any questions regarding this Order may be directed to Courtroom Deputy Lisa Martin at

214-753-2167 or to Chambers at 214-753-2392

SO ORDERED, on this 24th day of February, 2006.

IRMA CARRILLO RAMIRI

UNITED STATES MAGISTRATE JUDGE