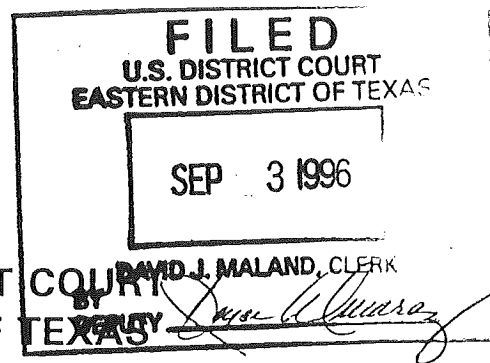


GENERAL ORDER NO. 96-18



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

GENERAL ORDER AMENDING THE CIVIL JUSTICE EXPENSE AND DELAY
REDUCTION PLAN

It is hereby ORDERED that the following five amendments to this District's Civil Justice Expense and Delay Reduction Plan, having been approved by the judges of the court, are adopted for immediate implementation¹:

1. Article Two, Section (1)(a)(v):

(1) Initial Disclosure:

- (a) Each party shall, without awaiting a discovery request, provide to every other party:

* * * *

- (v) There is no duty to disclose privileged documents. Privileged documents or information shall be identified and the basis for the claimed privilege shall be disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection².

2. Article Two, Section (1)(d):

- (d) No Excuses.

A party is not excused from disclosure because it has not fully completed

¹New language appears in redline text; deleted language appears in ~~strikeout~~ text.

²This amendment, adopted at the recommendation of the CJRA Advisory Group, tracks the current language of Fed.R. Civ.P. 26(b)(5).

its investigation of the case, or because it challenges the sufficiency of another party's disclosures, or because another party has not made its disclosures. Absent court order to the contrary, a party is not excused from disclosure because there are pending motions to dismiss, to remand or to change venue. However, parties asserting the defense of qualified immunity may submit a motion to limit disclosure to those materials necessary to decide the issue of qualified immunity.

3. Article Two, Section (3)(a):

(3) Pretrial Disclosure:

(a) In addition to disclosures required in the preceding paragraphs, each party shall provide to every other party information regarding the evidence that the disclosing party may present at trial ~~other than solely for impeachment purposes~~, as follows:

* * * * *

4. Article Four, Section (1):

(1) Motions shall not exceed fifteen pages including authorities ~~and attachments, unless leave of Court is first obtained~~. Likewise, a party opposing a motion shall limit the response to the motion to fifteen pages, including authorities ~~and attachments, unless leave of Court is first obtained~~.

5. Appendix A (Article Six, Section 2), the Joint Final Pre-Trial Order:

G. LIST OF WITNESSES

(Note: Each party shall set forth a separate list(s) of ~~numbered exhibits, including exhibits to be used solely for impeachment, with a description of each containing sufficient information to identify the exhibits. Those~~

~~portions of the depositions that will be read at trial shall be listed by page and line number as exhibits. witnesses who (1) will be called and (2) may be called to testify at trial.)~~

Signed this 30th day of August, 1996.

FOR THE COURT:

Richard A. Schell

RICHARD A. SCHELL
Chief Judge