

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

**STANDING ORDER FOR PRETRIAL CONFERENCES; SCHEDULING;
MANAGEMENT**

The following standing order is ADOPTED:

(a) PRETRIAL CONFERENCES AND SCHEDULING ORDERS

- (1)** Attached is a general scheduling order form used by the court in most cases.¹ If the court has issued an Order to Conduct Rule 26(f) Conference that includes a sample scheduling order form, the parties should attempt to agree on deadlines for completion of pretrial matters and submit a proposed scheduling order with the joint conference report, using deadlines that are business days consistent with the bolded instructions on the sample scheduling order form. After receiving the joint conference report, the court will convene an in-chambers or in-court status conference and/or enter a scheduling order.
- (2)** If new parties are joined after the mailing of the order, the party causing such joinder shall provide copies of all orders previously entered in the case, along with the scheduling order, to the new parties.
- (3)** At every pretrial conference, counsel must be prepared to provide a brief synopsis of the facts underlying the dispute and address all pending and anticipated motions, jurisdictional and procedural matters, narrowing of substantive issues, and stipulations of fact. The court uses pretrial conferences to narrow issues and set cases for a prompt trial.
- (4)** A party seeking to amend the scheduling order should file a motion and attach a proposed scheduling order using deadlines that are business days consistent with the bolded instructions on the sample scheduling order form and following the format of the most recently entered scheduling order in that case. An updated list of Beaumont and Lufkin final status conference dates is available on the United States District Court for the Eastern District of Texas for the district judges.

¹ For cases on referral to the undersigned, as opposed to cases heard by consent, the parties should use the scheduling order required by the referring district judge.

(b) REQUIRED PRETRIAL MATERIALS IN CIVIL CASES

(1) Joint Pretrial Order

The joint pretrial order, including motions in limine and a proposed charge and interrogatories or proposed findings of fact and conclusions of law, shall be filed on or before the date set forth in the scheduling order. The parties shall exchange proposed exhibits on or before the date the joint pretrial order is due. Any objections and responses to objections to the proposed exhibits, witnesses, and charge shall be filed on or before the deadlines set forth in the scheduling order.

Counsel must confer concerning the contents of the joint pretrial order well in advance of the due date. Plaintiff's counsel shall ensure that the joint pretrial order is timely filed. A form joint pretrial order is attached and may be adapted within reason to the size and type of case. Joint pretrial orders must be signed by all counsel.

If, for some reason, the plaintiff fails to file the joint pretrial order, then the defendant is responsible for filing the defendant's portion of a proposed pretrial order. All parties are responsible for complying with the requirements of the joint pretrial order.

Failure to appear and/or timely file the joint pretrial order will subject counsel and his or her client to sanctions, including dismissal for want of prosecution and/or other appropriate judgment.

ON THE DAY OF FILING, TWO (2) COLOR COURTESY COPIES OF THE JOINT PRETRIAL ORDER AND ATTACHMENTS, BOUND IN LOOSELEAF THREE-RING NOTEBOOKS WITH DIVIDERS, ARE TO BE DELIVERED TO CHAMBERS.

(2) Required Documents

(A) For Jury Trials

- (i)* An agreed charge, including proposed jury instructions (aside from usual prefatory or boilerplate instructions), definitions, and interrogatories shall be filed on CM/ECF electronically. Place the proposed interrogatories at the end of the document, after all instructions and definitions. Each requested instruction and definition should be simple, concise, and include citation of authority.

- (ii) The court expects the parties to resolve their differences as to these matters. If the parties cannot agree on a particular instruction or issue, however, such disagreement and alternate requests must be submitted on separate pages and will be resolved at the final pretrial conference or at a charge conference;
- (iii) Memoranda of law on disputed issues of law;
- (iv) Motions in limine.

(B) For Non-Jury Trials

- (i) Proposed findings of fact and conclusions of law filed on CM/ECF electronically. Findings and conclusions must be in a form suitable for ruling from the bench after closing arguments;
- (ii) Memoranda of law on disputed issues of law;
- (iii) Post-trial briefs should be limited to specific issues requested by the court during or after trial.

(C) For Hearings

- (i) Exhibit lists and objections;
- (ii) Witness lists and objections;
- (iii) Deposition designations and objections.

(3) Exhibits

- (A) Counsel for each party shall assemble all documents, photographs, or other materials expected to be used at trial. Such documents or copies must be made available to opposing counsel on or before the date the joint pretrial order is due. The court encourages counsel to agree upon joint exhibits to avoid duplication. If joint exhibits are agreed upon, they must each be marked with the case name, case number, and exhibit number. If no agreement can be reached, the offering party shall mark his or her own exhibits with the party's name, case number, and exhibit number on each exhibit to be offered.
- (B) Counsel requiring authentication of an exhibit must notify offering counsel in writing within three (3) business days after the exhibit is made available for examination. Failure to do so is an admission of authenticity.

- (C) Counsel shall attach to the joint pretrial order two (2) copies of the list of all exhibits to be offered on a form substantially similar to that attached and shall submit to the court administrator prior to the final pretrial conference a final revised list of exhibits to be offered.
- (D) **The court will admit all exhibits listed in the joint pretrial order into evidence at the final pretrial conference unless opposing counsel files written objections supported by authority within the deadline provided in the scheduling order.** Objections and responses to **objections** to proposed exhibits, witnesses, and deposition excerpts, as well as responses to motions in limine, shall be filed by the date set forth in the scheduling order.
- (E) The court will rule on objections to the exhibits at the final pretrial conference.
- (F) Two (2) courtesy copies of the exhibits shall be assembled in looseleaf three-ring notebooks with a numbered sticker on each document for use by the court. Such number shall also appear on a tab extending beyond the right side of the notebook. Each notebook shall be labeled on the outside cover with the name of the offering party, the case style, and the case number. Each notebook shall not exceed three (3) inches in depth. Unless only joint exhibits are used, the notebooks of each party must be of a different color, any agreed exhibits must be preceded by a red tab page. The parties shall confer on notebook colors prior to submission.

THESE NOTEBOOKS SHALL BE DELIVERED TO CHAMBERS ON THE DATE OBJECTIONS TO THE PRETRIAL ORDER AND ATTACHMENTS ARE DUE.

- (G) **Counsel shall prepare three (3) additional sets of exhibit notebooks in the form described above for use (1) on the witness stand, (2) by the court reporter, and (3) by the court administrator. These copies are in addition to the original exhibits to be tendered to the court administrator for submission to the jury and for later transmittal to the appellate court, if necessary.** Each party must use a different color binder. Agreed exhibits must be preceded by a red tab page. All admitted exhibits will go to the jury during deliberations.

(4) Witnesses

- (A) Counsel shall submit as part of the joint pretrial order two (2) copies of the party's witness list, listing the witnesses in the order in which they will be called and stating the estimated time for examination, on a form substantially similar to that attached. **Any personal identifiers must be redacted before filing but include unredacted versions of the witness list with the courtesy copies of the joint pretrial order.** In a lengthy trial involving numerous witnesses, a special scheduling order setting forth time limits for each aspect of the trial may be issued.
- (B) Any objections to a witness's proposed testimony will be ruled upon at the final pretrial conference if not already determined.
- (C) Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.
- (D) Counsel shall keep in mind the court's hours and schedule witnesses accordingly. The court will not recess to permit counsel to call a missing witness unless he or she has been subpoenaed and has failed to appear.

(5) Use of Depositions

- (A) With respect to all deposition testimony to be offered in evidence, counsel shall review the deposition and agree to excise all irrelevant and repetitive testimony and all colloquy between counsel. Counsel shall exchange their designated testimony and attempt to resolve all objections prior to the final pretrial conference. Objections to any portion of the deposition shall be filed on the date set forth in the scheduling order, and the court will rule on the objections at the final pretrial conference.
- (B) In a bench trial, when deposition testimony is permissible, counsel shall offer the entire deposition as a trial exhibit and read only the most relevant deposition testimony into the record. In addition, counsel shall attach to the front of the deposition exhibit a summary of what each party intends to prove by such testimony. If portions of the deposition are to be offered, counsel shall attach to the front of the deposition exhibit the designated portions of such testimony to be read by the court, citing page and line numbers. **TWO (2) COURTESY COPIES OF THE DEPOSITIONS SO MARKED SHALL BE DELIVERED TO CHAMBERS PRIOR TO THE FINAL PRETRIAL CONFERENCE.**

- (C) Under certain circumstances, the court may accept the parties' agreement to use a deposition at trial even though the witness is available, but counsel shall request leave of court to do so at the time of filing of the joint pretrial order; otherwise, follow FED. R. CIV. P. 32.
- (D) **Before trial, counsel must provide the court administrator with two copies of any deposition to be used at trial with the relevant portions highlighted. Each party shall use a different color highlighter (yellow and blue are recommended for the parties and green for overlapping designations). Portions of designations to which a party has objected should be underlined.**
- (E) Use of video depositions is permitted if they are edited to remove sidebar remarks and testimony to which objections are sustained.

This order applies to all pending cases and to those filed on or after the date of this order.

SIGNED this the 25th day of January, 2024.



Christine L Stetson
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

versus

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§
§

CIVIL ACTION NO. 1: __-CV-__

JOINT PRETRIAL ORDER

Appearance of Counsel

List the parties, their respective counsel, and the physical addresses, email address, and telephone numbers, including cell phone numbers, of counsel in separate paragraphs.

Statement of the Case

Give a brief statement of the case to inform the court and/or jury of the salient facts, which the court may read to the jury panel to ascertain whether any panelists are familiar with the facts or parties involved in the case. Include names, dates, and places. The statement should not exceed one paragraph per party.

Jurisdiction

Briefly set out why the court has full and complete jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state the problem.

Motions

List any pending motions.

Contentions of the Parties

State concisely in separate paragraphs what each party claims.

Admissions of Fact

List all facts that require no proof.

Contested Issues of Fact

List all facts in controversy necessary to the final disposition of the case.

Agreed Applicable Propositions of Law

State the legal principles governing this case that are not in dispute.

Contested Issues of Law

State briefly the disputed issues of law. **MEMORANDA OF AUTHORITIES MUST BE FILED TO ADDRESS EACH OF THE ISSUES THAT AFFECT THE CASE.**

Exhibits

Each counsel shall attach to the joint pretrial order two (2) copies of a list on a form substantially similar to that attached of all exhibits expected to be offered. Counsel shall make the exhibits available for examination by opposing counsel on or before the date the joint pretrial order is due. This rule does not apply to rebuttal exhibits or those the use of which cannot be anticipated.

All counsel requiring authentication of an exhibit must notify the offering counsel in writing within three (3) business days after the exhibit is made available. Failure to object in writing concedes authenticity.

The court will admit into evidence all exhibits listed in the final pretrial order unless opposing counsel files written objections with authorities by the date set forth in the scheduling order. The filing should include copies of the disputed exhibit and relevant authority.

The offering party shall mark his or her own exhibits before trial to include the party's name, case number, and exhibit number on each exhibit, unless joint exhibits are to be used and marked accordingly. **If an exhibit has multiple pages, each page must be numbered consecutively.**

Witnesses

Each counsel shall attach two (2) copies of a list in a form substantially similar to that attached setting forth the names and addresses of each witness (not counsel's address) who will or may be called at trial in the order of his or her appearance, including a brief statement of the subject matter and substance of his or her testimony, as well as the estimated time for his or her examination. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. Objections to those portions (citing pages and lines) with supporting authority shall be filed by the date set forth in the scheduling order.

Counsel shall submit a written summary of the qualifications of each expert witness. The court expects the attorneys to prove their witnesses' expertise through examination.

Include in this section the following statement:

In the event there are any other witnesses to be called at the trial, their names, addresses, and the subject matter of their testimony shall be reported to opposing counsel as soon as they are known. This restriction shall not apply to rebuttal or impeachment witnesses, the necessity of whose testimony cannot reasonably be anticipated before the time of trial.

Settlement

Include a statement as to the status of settlement negotiations, and, if applicable, that all settlement efforts have been exhausted. State the current settlement demand and offer and whether the case can reasonably be expected to settle.

Trial

Include in this paragraph the following:

- (a) Whether trial will be jury or non-jury;

- (b) Probable length of trial;
- (c) Availability of witnesses;
- (d) Any foreseeable logistical problems.

Voir Dire

The court allows the parties to conduct voir dire within reasonable time constraints which will be discussed at the Final Status Conference. The court will consider requests from the parties to ask questions of the jury that the parties believe should come from the judge.

Additional Required Attachments

For jury trials, file the following electronically on CM/ECF AND DELIVER TWO COURTESY COPIES TO CHAMBERS:

- (a) Proposed questions for judge-conducted voir dire examination, if any (see above);
- (b) **Agreed** charge, including proposed jury instructions, definitions, interrogatories, and authority;
- (c) **Memoranda of law on disputed issues of law;**
- (d) **Motions in limine.**

For non-jury trials, file the following electronically on CM/ECF AND DELIVER TWO COURTESY COPIES TO CHAMBERS:

- (a) Proposed findings of fact and conclusions of law, separating those agreed from those in dispute. The conclusions of law must include citation of authority.
- (b) **Memoranda of law on disputed issues of law.**

APPROVED:

Counsel for Plaintiff(s)	Date
Counsel for Defendant(s)	Date

