

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
[MARSHALL / TEXARKANA] DIVISION**

,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 2:-CV-00-JRG
	§	
,	§	
	§	
<i>Defendant.</i>	§	

**STANDING ORDER ON THE NUMBER OF MOTIONS TO STRIKE EXPERT
TESTIMONY (INCLUDING *DAUBERT* MOTIONS) FILED IN CIVIL CASES
ASSIGNED TO JUDGE RODNEY GILSTRAP
IN THE MARSHALL AND TEXARKANA DIVISIONS**

This Standing Order is effective upon filing. In light of the fact that parties frequently seek guidance regarding the number of motions to strike, *Daubert* motions, motions to exclude, and motions—however styled or titled—that reflect a party’s efforts to challenge any expert witness’s opinions or methodology in whole or in part (hereafter collectively referred to as “Motion(s) to Strike”) filed in any civil action, the Court finds that guidance is needed on the number of Motions to Strike a party may file.

It is **ORDERED** that a party may only file one (1) Motion to Strike per expert witness, notwithstanding the number of reports the expert witness may generate and serve. Such single Motion to Strike may challenge all or any part of any report generated and served by such expert witness.¹


If a party wishes to file more than one Motion to Strike per expert, it must first meet-and-confer with opposing counsel in accordance with L.R. CV-7(h). If opposing counsel opposes the

¹ Allowing separate and serial motions to strike on any or all reports an expert might generate would make the page limits imposed on such motions, in effect, a nullity, and it would unfairly increase the workload imposed on the opposing party and the Court.

request, the requesting party may file an opposed motion seeking leave of the Court to exceed the limits imposed by this Standing Order. More specifically, the requesting party may file a three (3) page motion with the Court at least two weeks before the Motions to Strike are due under the Docket Control Order setting forth its basis to exceed the limits set forth in this Standing Order. The opposing party may then file a response that is no more than three (3) pages long which is due at least one week before the Motions to Strike are due.

If opposing counsel does not oppose the request, the requesting party must still obtain leave of court via an unopposed motion to exceed the limits laid out in this Standing Order which the Court will consider and act upon as the particular facts and circumstances in the case warrant. Any such motion is due at least two weeks before the Motions to Strike are due.

So ORDERED and SIGNED this 25th day of August, 2023.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE