

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

JOHN McBRYDE
UNITED STATES DISTRICT JUDGE

SPECIAL PRETRIAL INSTRUCTIONS

1. The Pretrial Order and one copy thereof shall be delivered to Chambers by 12:00 o'clock noon three (3) business days prior to the scheduled pretrial conference.

2. At least seven business days prior to the scheduled pretrial conference, counsel for all parties and all pro se parties shall confer in person with each other for the purpose of preparing a Pretrial Order. During this conference, counsel and pro se parties shall (1) exchange drafts of the language that each party proposes to include in the Pretrial Order, (2) eliminate from the lawsuit any issue that appears in the pleadings but about which there is no controversy, (3) agree on all possible stipulated facts and on all controverted issues of fact and law, and (4) otherwise discuss the preparation of the final Pretrial Order.

3. All counsel and pro se parties are jointly responsible for preparation of the entire Pretrial Order; however, plaintiff's counsel and pro se plaintiffs, if any, are responsible for typing, collating, and otherwise preparing the final document for presentation to the Court.

4. The Pretrial Order must set forth:

- (a) a concise statement of any pending jurisdictional issues;
- (b) a list of all pending motions;
- (c) a full and complete statement of plaintiff's claims, with specificity;
- (d) a full and complete statement of each defendant's claims, with specificity;
- (e) a full and complete statement of the claims of any other parties, with specificity;
- (f) a list of the facts established by pleadings, by stipulations, or by admissions;
- (g) an agreed list of the ultimate issues of fact to be decided by the fact finder (court or jury) as to each

- theory of recovery or for affirmative relief and each affirmative defense;
- (h) an agreed list of the contested issues of law;
 - (i) a list of each party's expert witnesses and a summary of the opinions to be given by each expert;
 - (j) a list of additional matters that would aid in the disposition of the case;
 - (k) an estimate of the length of trial;
 - (l) a statement that the case is jury or non-jury;
 - (m) the signature of the lead attorney for each party; and
 - (n) a place for the date and the signature of the Court, which shall be preceded by text on the same page.

All of the matters set forth above shall be contained within the body of the pretrial order and none shall be attached thereto as exhibits or attachments. All of the contested and ultimate issues shall be agreed upon and there will not be separate lists of ultimate or contested issues submitted by each party.

5. Counsel for all parties and all pro se parties are instructed to cooperate fully in the discovery process and to make all reasonable discovery available on a timely basis to the requesting party. Excessive discovery or resistance to reasonable discovery will not be tolerated by this Court. Throughout the discovery process, counsel must observe the standards of litigation conduct for attorneys appearing in civil actions in the Northern District of Texas, adopted by the judges of this District, sitting en banc, in Dondi Properties Corp. v. Commerce Savings and Loan Ass'n, 121 F.R.D. 284 (N.D. Tex. 1988). Unnecessary discovery or unreasonable delay may subject the infracting party to sanctions and the payment of costs. See Thomas v. Capital Sec. Serv., Inc., 836 F.2d 866 (5th Cir. 1988) (en banc).

6. Lead counsel for each party and each pro se party shall be present at the pretrial conference and shall have access, by telephone or otherwise, to the individual(s) he or she represents or to a person authorized to make decisions regarding the matter before the court on behalf of any corporate or other entity a party to the action.

7. Each attorney and each pro se party should retain a copy of the Pretrial Order submitted to the Court. The Clerk will not provide copies of the signed Pretrial Order.