

CAUSE NO. 2014-2287-3

FILED
2015 MAR -9 PM 1:09
JOHN GIBBON
DISTRICT CLERK
MCLENNAN COUNTY, TEXAS
DEPUTY

BAYLOR UNIVERSITY,

Plaintiff,

vs.

THE BAYLOR UNIVERSITY ALUMNI
ASSOCIATION,

Defendant.

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IN THE DISTRICT COURT OF

MCLENNAN COUNTY, TEXAS

74TH JUDICIAL DISTRICT

AGREED SCHEDULING ORDER

1. **May 1, 2015** **JOINDER.** All parties must be added and served, whether by amendment or third party practice, by this date. THE PARTY CAUSING THE JOINDER SHALL PROVIDE A COPY OF THIS SCHEDULING ORDER AT THE TIME OF SERVICE. Parties may be added subsequent to this date only by order of the Court upon a showing of good cause.
2. **October 1, 2015** **PLEADINGS.** All amendments and supplements asserting new claims or rights to recovery must be filed by this date. This order does not preclude (1) amendments to reduce, limit, or nonsuit claims or (2) prompt filing of pleadings directly responsive to any timely filed pleadings.
3. **EXPERT WITNESS DESIGNATION.** Expert witness designations are required and must be served by the following dates. The designation must include the information listed in Rule 194.2(f). Failure to timely submit a designation will be governed by Rule 193.6. All retained experts may, but are not required to, provide a report by the specified date. With respect to retained experts, the designation and/or report should set forth a complete statement of all opinions the witness will express, and the facts or data considered by the expert (regardless of when the factual information was acquired) in forming the mental impressions and opinions held by the expert. Drafts of retained-expert reports and communications between the parties' attorneys and their respective retained experts shall be protected to the same extent protection is afforded under Fed. R. Civ. P. 26(b)(4)(B) & (C) and without regard to whether the retained expert is submitting an expert report. With that exception, discovery of experts will be in accordance with Texas Rules of Civil Procedure.
 - July 24, 2015** a. Experts for parties seeking affirmative relief, insofar as the expert testimony relates to the affirmative relief being sought.
 - September 4, 2015** b. All other experts, including any rebuttal experts to any experts designated in accordance with paragraph 3(a) hereof. But this

deadline is subject to change in accordance with Rule 195.3(a)(1).

4. **November 20, 2015** **MEDIATION.** Mediation is to be completed by this date.
5. **November 2, 2015** **DISCOVERY PERIOD ENDS.** All discovery must be conducted before this date. Parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period. Counsel may conduct discovery beyond this deadline by agreement, but absent exceptional circumstances no motions related to discovery shall be filed after the expiration of the discovery deadline, unless they are filed within 7 days after the discovery deadlines and pertain to conduct occurring during the final 7 days of discovery. Incomplete discovery will not delay the trial. Deposition notices served before the discovery deadline which purport to schedule depositions after the discovery deadline shall not be enforced.
6. **November 20, 2015** **DISPOSITIVE MOTIONS.** Motions for summary judgment or other dispositive motions must be filed by this date.
7. **December 4, 2015** **CHALLENGES TO EXPERT TESTIMONY.** All challenges to the reliability of expert witness testimony under Rule 702 must be filed by this date. All such motions must specifically state the basis of the objection and identify the objectionable testimony.
8. **PRETRIAL DISCLOSURES.**
 - December 18, 2015** a. Counsel shall exchange initial motions in *limine*.
 - b. Counsel shall exchange their respective list of fact and expert witnesses, including rebuttal witnesses that reasonably should be anticipated, that each intends to call at trial. Persons not so identified will not be allowed to testify unless good cause is shown.
 - c. Counsel shall exchange a list of exhibits and copies of the actual exhibits that each reasonably anticipates will be offered in evidence. Exhibits not listed and exchanged will not be admitted unless good cause is shown. Counsel should stipulate insofar as possible to the authenticity and admissibility of exhibits to be used at trial.
 - d. Counsel shall exchange page and line references for all deposition testimony to be offered in their respective cases in chief.

January 4, 2016 Counsel shall exchange cross-designations of page and line references of all deposition testimony to be offered into evidence at trial. Counsel shall also provide a written statement of page and line references to designations by the opposing party that are the subject of any evidentiary objections, including the basis for the objections. Failure to object will be deemed a waiver of any objections.

January 8, 2016 Counsel shall provide a written statement of page and line references to cross-designations that are the subject of any evidentiary objections, including the basis for the objection. Failure to object will be deemed a waiver of the objection.

January 14, 2016 a. Counsel shall confer in good faith in an attempt to resolve all objections to deposition designations and exhibits, as well as to resolve disputed motions in *limine* filed by an opposing party. Any objections not resolved by conference will be heard at the pretrial conference.

b. Each party shall serve on all other parties a proposed jury charge, including questions, definitions and instructions, which shall include citation to the Texas Pattern Jury Charge or other authority that supports the submission. If case law supports the submission, include a copy of the case with material language highlighted for the Court at pretrial. Include petition history. The charge shall also be submitted on a USB drive or CD in Word format. At the pretrial, counsel shall also furnish the Court a copy of the active trial pleadings.

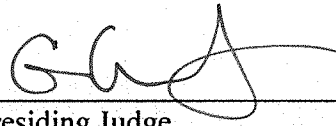
9. **January 18, 2016 JURY TRIAL.**

10. Other than the trial date, the dates herein may be changed by written agreement of the parties or by order of the court upon a showing the amendment is justified and will not unreasonably burden the opposing party. Motions for continuance of the trial date are governed by the Texas Rules of Civil Procedure.

11. The Parties agree that if any of the deadlines set forth in this Agreed Scheduling Order fall on a Saturday, Sunday or legal holiday, the deadline will be the next business day that is not a Saturday, Sunday or legal holiday.

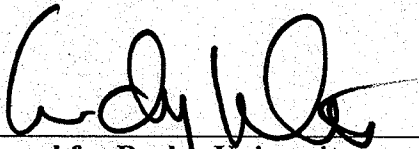
12. The deadlines in this order supersede any conflicting deadlines in the Texas Rules of Civil Procedure or the McClennan County Local Rules.

SIGNED this 6 day of MARCH, 2015.

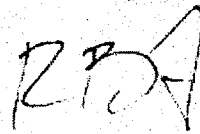


Presiding Judge

AGREED AS TO FORM AND SUBSTANCE:



Counsel for Baylor University



Counsel for Baylor Alumni Association