

MAXINE GRAY, Individually and as
Representative of the Estate of
J.T. GRAY, Deceased, et al
Plaintiffs

vs

A. W. CHESTERTON COMPANY, et al
Defendants

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IN THE DISTRICT COURT OF

CASS COUNTY, TEXAS

5th JUDICIAL DISTRICT

FILED FOR RECORD
CASS COUNTY, TEXAS
2005 OCT 18 PM 1:24
BECCY WILBANKS
DISTRICT CLERK
BY
DEPUTY

SCHEDULING ORDER

Pursuant to the Court's determination that discovery in this matter is to proceed under Level 3, the Court ORDERS:

I.

PRETRIAL CONSOLIDATION

The above entitled and numbered case is, until further order, consolidated for pretrial purposes. This order does not constitute a determination that these actions should be consolidated for trial, nor does it have the effect of making any entity a party to an action in which it has not been joined and served in accordance with the Texas Rules of Civil Procedure.

II.

LIAISON COUNSEL

Plaintiffs shall designate one attorney to act as Liaison Counsel for and on behalf of all Plaintiffs and Defendants shall designate one or more attorneys to act for and on behalf of Defendants as to the following: scheduling and coordination of dates, times and places for depositions; coordination of meetings of respective counsel and such other responsibilities as the Court may direct. Liaison Counsel may be designated by the agreement of Counsel. Absent an agreement, the Parties are invited to make recommendations to the Court and the Court will enter an Order making such appointment.

The responsibilities of Defense Liaison Counsel(s) shall include the scheduling and orderly administration of Plaintiff and co-worker depositions and Medical Examinations. The Defense Liaison Counsel(s) shall also be the custodian(s) for copies of Plaintiffs' pathology, chest x-rays and related medical materials when they are provided for examination and remain responsible for the prompt and timely return of such items to counsel for Plaintiffs.

III.

TIME DEADLINES

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| October 10, 2005 | Plaintiffs' counsel will select 20 Plaintiffs that will comprise the Discovery Group. The Discovery Group will answer Master Discovery as previously agreed to by the parties in the <i>Caffey</i> case. |
| November 21, 2005 | Plaintiffs have until this date to designate experts. No additional experts will be allowed to testify at trial except on good cause shown. The designation of expert witnesses shall include information identified in Tex. R. Civ. P. 194.2. |
| December 19, 2005 | Defendants have until this date to designate experts. No additional experts will be allowed to testify at trial except on good cause shown. The designation of expert witnesses shall include information identified in Tex. R. Civ. P. 194.2. |
| January 23, 2006 | Plaintiff's amended pleading deadline. |
| February 20, 2006 | Defendants' amended pleading deadline; Deadline for completion of all discovery other than depositions. Discovery requests served on an opposing party which have deadlines for responses after this discovery deadline need not be answered. This deadline does not include completion of depositions. |
| March 6, 2006 | Plaintiffs' counsel shall select 5 Plaintiffs from the Discovery Group to be tried on August 21, 2006. |
| April 17, 2006 | Deadline for completion of depositions by both sides unless all parties to a deposition agree to an extension in writing, so long as such extension does not affect any other deadlines. |
| May 8, 2006 | Parties to exchange exhibit lists, motions in limine, page/line deposition designations. |
| May 15, 2006 | All motions other than motions in limine shall be filed by this date, unless leave of court is obtained to do otherwise. (Includes motions for summary judgment and motions to exclude experts). |

May 19, 2006 Deadline to counter-designate exhibits and page/line deposition designations.

June 1, 2006 Submission date for all dispositive motions, including motions for summary judgment and motions to exclude expert witnesses, if any. The filing party must submit a proposed Order placing the matter on the Court's Submission Docket.

June 5, 2006 Deadline for mediation to be concluded.

June 12, 2006 A pre-trial conference will begin this date at ~~10:00~~ ^{1:30 P.M.} o'clock; deadline to exchange exhibits.

August 21, 2006 Trial to begin. Docket call will be at ~~10:00~~ ^{1:30 P.M.} o'clock a.m.

IV.

EFFECT OF ORDER ON OTHER MATTERS

This order does not affect the severance of one or more cases for separate scheduling or trial in extremis circumstances or otherwise.

V.

DISTRIBUTION

A copy of this order shall be mailed by the Clerk to the Defendants' counsel and Plaintiffs' counsel for distribution.

SIGNED this the 18th day of October, 2005.


DISTRICT JUDGE PRESIDING