

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

John Eakin

vs.

United States Department Of Defense,  
Robert M. Gates

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NO: SA:10-CV-00784-FB (NN)

SCHEDULING RECOMMENDATIONS

The parties recommend that the following deadlines be entered in the scheduling order to control the course of this case:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by 3/1/11.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by 3/1/11, and each opposing party shall respond, in writing, by 3/15/11.

*Settlement does not apply in FOIA cases*

3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by 4/1/11.

4. All parties asserting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by 3/1/11. Parties resisting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by 4/15/11. All designations of rebuttal experts shall be designated within 15 days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 3/16/11 days of receipt of the written report of the expert's proposed testimony, or within 4/30/11 days of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before \_\_\_\_\_. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

*Discovery inapplicable in FOIA cases.*


7. All dispositive motions shall be filed no later than 6/1/11. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall be limited to 25 pages in length.

8. The trial date will be determined at a later date by the Court. The parties shall consult Local Rule CV-16(e) regarding matters to be filed in advance of trial. At the time the trial date is set, the Court will also set the deadline for the filing of matters in advance of trial.

9. All of the parties who have appeared in the action conferred concerning the contents of the proposed scheduling order on 1/19/11, and the parties have (~~agreed~~) disagreed as to its contents. The following positions and reasons are given by the parties for the disagreement as to the contents of the proposed scheduling order \_\_\_\_\_. Plaintiff offers the following explanation of why all parties have not been served \_\_\_\_\_.

Dimitri Koch  
Dimitri Koch

Attorney for  
United States Department of Defense  
Robert M. Gates

  
(Signature)  
JOHN EAKIN  
(Print or type name)

ATTORNEY FOR  
JOHN EAKIN, PRO SE  
(Print or type name)

CERTIFICATE OF SERVICE