

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

John Eakin

§

vs.

§

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

§

§

United States Department Of Defense,

§

Robert M. Gates, United States Department

§

Of The Army, John McHugh

§

SCHEDULING ORDER

Pursuant to 28 U.S.C. § 636(c)(1), all full-time United States Magistrate Judges are authorized and empowered to try any civil case, jury or non-jury, with the consent of all parties to the lawsuit. If you wish to consent to trial before a United States Magistrate Judge, you may indicate your consent on the attached form. Your consent to trial by a United States Magistrate Judge must be voluntary and you are free to withhold your consent without suffering any adverse consequences. If all parties consent to trial of this case by a United States Magistrate Judge, this Court will enter an order referring the case to a United States Magistrate Judge for trial and entry of judgment. If the case has already been referred to a United States Magistrate Judge for pretrial matters and the parties consent to a trial before the United States Magistrate Judge, the trial will be before the United States Magistrate Judge already assigned to the case.

The following agreed dates are entered to control the course of this case:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 on or before **March 1, 2011**.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before N/A, and each opposing party shall respond, in writing on or before N/A.
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties on or before **April 1, 2011**.
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) on or before **March 1, 2011**. 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) on or before **April 15, 2011**. All designations of rebuttal experts shall be filed 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, on or before **March 16, 2011**, or on or before **April 30, 2011** if the expert's deposition is taken, whichever is later.


6. The parties shall complete discovery on or before **N/A**. 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.

7. All dispositive motions shall be filed on or before **June 1, 2011**. 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.

It is so **ORDERED**.

SIGNED this 9th day of February, 2011.



NANCY STEIN NOWAK
U.S. MAGISTRATE JUDGE