

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

E.T., by and through her parents and next friends; D.D., by and through her parents and next friends; E.R., by and through her parents and next friends; J.R., by and through her parents and next friends; H.M., by and through her parents and next friends; N.C., by and through her parents and next friends; J.G., by and through her parents and next friends; E.S., by and through her parents and next friends; M.P., by and through her parents and next friends; S.P., by and through her parents and next friends; R.S., by and through her parents and next friends; J.V., by and through her parents and next friends; H.P., by and through her parents and next friends; and A.M., by and through her parents and next friends.)

Civil Action No. 1:21-CV-00717-LY

Plaintiffs,

v.

GOVERNOR GREG ABBOTT, in his official capacity as GOVERNOR OF TEXAS;
MIKE MORATH, in his official capacity as the COMMISSIONER of the TEXAS EDUCATION AGENCY; the TEXAS EDUCATION AGENCY; and ATTORNEY GENERAL KENNETH PAXTON, in his official capacity as ATTORNEY GENERAL OF TEXAS,

Defendants.

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following scheduling order.

IT IS ORDERED THAT:

1. The Parties will each submit briefs no longer than 10 pages addressing arguments as to whether the current parties are proper to this litigation:
 - a. Defendants shall serve and file their brief on or before September 3, 2021; and
 - b. Plaintiffs shall server and file their response brief on or before September 7, 2021.
2. Plaintiffs shall serve, but not file, their proposed list of stipulated facts on or before September 1, 2021.
3. Each party shall serve, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(1), including any relevant documents or materials, and disclose the topics for which each party intends on designating testifying experts on or before September 7, 2021.
4. Each party shall serve, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2), including any affidavits or written reports of testifying experts, on or before September 13, 2021. All designations of rebuttal experts, along with the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, shall be served by the parties on or before September 17, 2021.
5. The parties shall complete discovery, including any depositions, on or before September 24, 2021. 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.
6. Each party shall serve and file the following on or before September 29, 2021:
 - a. a list of stipulated facts;
 - b. a list of each exhibit (except those to be used for impeachment only), separately

- identifying those that the party expects to offer and those that the party may offer if the need arises;
- c. a list of each witness (except those to be used for impeachment only), separately identifying those whom the party expects to present and those whom the party may call if the need arises,
 - d. a list of those witnesses whose testimony is expected to be presented by means of a deposition and designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only);
 - e. any pre-trial motions, including any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 specifically stating the basis for the objection and identifying the objectionable testimony; and
 - f. proposed findings of fact and conclusions of law.
7. Each party shall serve and file the following on or before October 4, 2021:
- a. a list disclosing any objections to the use of deposition testimony designated by the other party, along with any counter-designation of such testimony by reference to the page and line of the testimony to be offered; and
 - b. a list disclosing any objection, together with the grounds therefore, that may be made to the admissibility of any exhibits and any objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403, shall be deemed waived unless excused by the court for good cause shown and any exhibit not otherwise objected by a party shall be deemed pre-admitted; and
 - c. responses to any pre-trial motions.
8. Pursuant to Rule CV-1(e) of The Local Rules of the United States District Court

for the Western District of Texas, as amended June 24, 2021, Rule 88 of those rules is waived.

9. This case is set for final pretrial conference, in chambers, on the day of _____, 2021, at _____ and _____ trial in the month of _____ 20 _____. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties.

SIGNED this ____ day of _____, 2021.

LEE YEAKEL
UNITED STATES DISTRICT JUDGE

AGREED:

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