

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RUSSELL ZINTER; ET AL.

Plaintiffs,

v.

CHIEF JOSEPH SALVAGGIO; ET AL.

Defendants.

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CIVIL NO. SA-18-CA-680-FB

JOINT REPORT ON CONFERENCE REQUIRED BY RULE 26(f) AND
JOINT DISCOVERY/CASE MANAGEMENT PLAN

Discovery

1. The conference required by Rule 26(f) of the Federal Rules of Civil Procedure was held on **October 8, 2018** by telephone and email correspondence. Present were ADOLFO RUIZ, CHARLES S. FRIGERIO, BRANDON GRABLE, and SOLOMON RADNER.

2. Pursuant to Rule 26(f) (3) and the Parties provide the following information:

(A) what changes should be made in the timing, form, or requirement for disclosures under Rule 26(a), including a statement of when initial disclosures were made or will be made;

The parties agree that mandatory disclosures should be exchanged no later than November 8, 2018. No changes to form are proposed.

(B) the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues;

Discovery should be conducted on topics, including but not limited to the facts related to Plaintiffs' First Amended Original Complaint for violations of the First and Fourth, Amendments of the U.S. Constitution, 42 U.S.C §1983; Defendants affirmative defenses to said allegations to include Individual Defendants right to qualified immunity and the City's right to sovereign and governmental immunity; and that Defendants acted in compliance with, and did not deny Plaintiffs any right or privilege granted or secured by, the Constitution of the United States and the State of Texas, as set forth in their Original Answers.

Discovery will be completed pursuant to the parties' attached Scheduling Recommendations, subject to any pending orders concerning Plaintiffs' Motion for Preliminary Injunction [Dkt. 46].

(C) any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced;

The parties do not anticipate any disputes regarding electronically stored information. The parties agree any relevant and responsive documents requested during discovery need not be produced in their original format (due to cost, hardship, and possible incompatibility issues), but will be produced in paper or PDF format, word searchable if possible, on USB drive, disc or drop box. The Parties agree that Rule 26(b) (2)(B)"Specific Limitations on Electronically Stored Information" controls.

(D) any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order;

None at this time.

(E) what changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed; and

None at this time.

(F) any other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).

None at this time.

3. Scheduling Order

The parties file the attached Proposed Scheduling Order with the Court.

4. List the names, bar number, addresses, and telephone numbers of all counsel.

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Signed this 8th day of October, 2018.

Respectfully submitted,

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PROPOSED AGREED SCHEDULING ORDER

The parties participated in a Rule 26(f) conference on October 8, 2018 and recommend that the following deadlines be entered in the scheduling order to control the course of this case pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by **December 12, 2018**.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by **December 12, 2018**, and each opposing party shall respond, in writing, by **January 11, 2019**.

3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **March 29, 2019**.

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 **April 24, 2019**. 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 **June 7, 2019**. All designations of rebuttal experts shall be filed within thirty **(30) 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 **thirty (30) days** of receipt of the written report of the expert's proposed testimony or within **thirty (30) days** of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before **August 26, 2019**. 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 no later than **September 26, 2019**. Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to twenty (20) pages in length. Replies, if any, shall be limited to ten (10) pages in length in accordance with Local Rule CV-7(e).

8. The Court will set the case for trial by separate order. The order will establish trial type deadlines to include pretrial matters pursuant to Local Rule CV-16(e)-(g).

9. All of the parties who have appeared in the action conferred concerning the contents of the proposed scheduling order on October 8, 2018, and the parties have agreed as to its contents.

SIGNED AND ENTERED this ____ day of _____, 2018.

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

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