

FILED

OCT 18 2013

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

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_  
DEPUTY CLERK

SHANNON PEREZ; HAROLD )  
DUTTON, JR.; GREGORY TAMEZ; )  
SERGIO SALINAS; CARMEN )  
RODRIGUEZ; RUDOLFO ORTIZ; )  
NANCY HALL and DOROTHY DEBOSE )

Plaintiffs )

v. )

STATE OF TEXAS; RICK PERRY, )  
in his official capacity as Governor of the )  
State of Texas; DAVID DEWHURST, )  
in his official capacity as Lieutenant )  
Governor of the State of Texas; JOE )  
STRAUS, in his official capacity as Speaker )  
of the Texas House of Representatives; )  
JOHN STEEN, in his official )  
capacity as Secretary of State of the )  
State of Texas )

Defendants )

CIVIL ACTION NO.  
**11-CA-360-OLG-JES-XR**  
CONSOLIDATED ACTION  
[Lead case]

**SCHEDULING ORDER**

The Court has considered the parties' scheduling recommendations in this case, and finds that the following schedule should be implemented in this case. Under this order, the supplementation of discovery on the 2011 plans will run concurrently with discovery on the 2013 plans, but the evidence will be designated for sequential presentation of the evidence at the time of trial.

**November 4, 2013: Deadline for Rule 26(f) conference.**

During this conference, the parties should discuss their plans for supplementing discovery on the claims relating to the 2011 redistricting plans and conducting discovery on the claims relating to the 2013 redistricting plans. At a minimum, this should include the scheduling of depositions and timing/scope of written discovery. All discovery should be initiated as soon as possible to ensure compliance with the discovery deadline set forth below. Motions to compel discovery will not be considered by the Court unless the parties have conferred and attempted to reach an agreement prior to the filing of the motion.

**November 22, 2013: Deadline for supplementing disclosures relating to the 2011 redistricting plans and submitting initial disclosures relating to the 2013 redistricting plans.**

When making their disclosures, the parties shall designate whether the disclosure relates to (1) the claims on the 2011 redistricting plans; (2) the claims on the 2013 redistricting plans; and (3) if possible, which plan it relates to – Congressional or Texas House. The parties should group their disclosures and any subsequent discovery by claim, plan and/or issue to the extent possible. All disclosures and responses to discovery must be timely supplemented pursuant to the rules.

**February 7, 2014: Parties asserting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by Fed.R.Civ.P. 26(a)(2)(B).**

**February 21, 2014: Parties resisting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by Fed.R.Civ.P. (a)(2)(B).**

**All designations of rebuttal experts shall be filed within 45 days of receipt of the report of the opposing expert.**

In addition to the disclosure of expert material required under the rules, the parties shall state whether the designated expert's opinions relate to (1) the claims on the 2011 redistricting plans; (2) the claims on the 2013 redistricting plans; (3) the Section 3(c) issues; and (4) if applicable, the Congressional or Texas House plan. If the parties are amending or supplementing the reports of their experts from the 2011 trial, they should indicate that the experts' previous opinions are being amended and/or supplemented. If any party wishes to rely solely on an expert's 2011 trial testimony and does not intend to designate new experts or amend/supplement the expert's prior opinions, the party should indicate its intent in writing.

An objection to the reliability of an expert's proposed testimony under Fed.R.Evid. 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, and the motion must be filed within 30 days following receipt of the written report of the expert's proposed testimony, or within 30 days after the expert's deposition, if a deposition is taken, whichever is later.

**March 3, 2014: Deadline for parties to file all motions to amend or supplement pleadings or join additional parties.**

**April 2, 2014: Deadline for all dispositive motions to be filed. All responses must be filed 14 days after the filing of the motions, and replies are due 7 days after the filing of the responses.<sup>1</sup>**

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<sup>1</sup>If the parties' motions or responses exceed the page limit by 10 pages or less, *leave is hereby granted* to exceed the page limit.

**May 14, 2014: Deadline to complete supplementation of discovery on the 2011 redistricting plans and complete all discovery and supplement all disclosures on the 2013 redistricting plans.**

When propounding and responding to discovery, the parties shall designate in the title, cover page, or the specific request or response whether the discovery relates to (1) the 2011 redistricting plans; (2) the 2013 redistricting plans and, (3) if possible, which specific plan it relates to (i.e. Congressional or Texas House).<sup>2</sup>

**June 2, 2014: Deadline for all bench briefs on equitable relief under Section 3(c) and deadline for all pretrial disclosures under Fed.R.Civ.P. 26(a)(3)(A), including witness lists, designated deposition testimony, exhibit lists, and evidentiary motions (i.e. motions in limine, motions to strike or other motions to exclude or limit evidence).**

The evidence at trial will be presented in sequential fashion; thus, the pretrial disclosures will need to be designated and listed sequentially in the order that evidence will be presented.

**June 18, 2014: Deadline for responses to all bench briefs on equitable relief under Section 3(c) and deadline for counter-designation of deposition testimony and objections or responses to pretrial disclosures and evidentiary motions, pursuant to Fed.R.Civ.P. 26(a)(3)(B).**

**June 25, 2014: Deadline for replies relating to equitable relief under Section 3(c).**

**July 2, 2014: Pretrial conference at 8:30 a.m. in Courtroom Number One, First Floor, John H. Wood Jr. United States Courthouse, 655 East Cesar E. Chavez Blvd., San Antonio, Texas, to address pending motions, objections to exhibits and/or deposition testimony, the order in which evidence will be presented, number of witnesses, estimated length of trial, and any other issues that should be addressed prior to trial.**

**July 14, 2014: Trial on all remaining claims relating to the 2011 redistricting plans, Section 3(c) relief, and the 2013 redistricting plans will begin at 8:30 a.m. in Courtroom Number One, First Floor, John H. Wood Jr. United States Courthouse, 655 East Cesar E. Chavez Blvd., San Antonio, Texas. Trial will continue day to day until complete.**

The claims and issues will be presented sequentially, beginning with the remaining claims relating to the 2011 redistricting plans, then proceeding with requests for Section 3(c) relief based on alleged unconstitutional infirmities in the 2011 plans, then continuing with evidence on the claims relating to the 2013 redistricting plans, and concluding with requests for Section 3(c) relief based on alleged unconstitutional infirmities in the 2013 plans.

When presenting evidence on the 2011 plans, the parties will be required to present all evidence and arguments on the Congressional plan before proceeding with evidence and arguments on the plan for the Texas House. Likewise, when presenting evidence on the 2013 plans, the

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<sup>2</sup>Evidence that is designated incorrectly by mistake or accident will not be stricken. This is simply a means to assist the parties and the Court in keeping the evidence organized on an ongoing basis so that the evidence may be presented sequentially at the time of trial.

parties will be required to present all evidence on the Congressional plan before proceeding with evidence and arguments on the plan for the Texas House. Thus, there may be a few witnesses that will be called to the witness stand more than once to testify on issues relating to different claims and/or plans.

IT IS SO ORDERED this 18 day of October, 2013.

A handwritten signature in black ink, appearing to read "Orlando L. Garcia", written over a horizontal line.

ORLANDO L. GARCIA  
UNITED STATES DISTRICT JUDGE  
[on behalf of the three judge panel]