

CUBLEY, H DEAN (DR)

*

IN THE DISTRICT COURT OF

VS

*

HARRIS COUNTY, TEXAS

EAGLE BROADBAND INC

*

333RD JUDICIAL DISTRICT

*

DOCKET CONTROL ORDER

The following docket control order shall apply to this case unless modified by the court. If no date is given below, the item is governed by the Texas Rules of Civil Procedure.

1. **03/06/07 JOINDER.** All parties must be added and served, whether by amendment or third party practice, by this date. **THE PARTY CAUSING THE JOINDER SHALL PROVIDE A COPY OF THIS DOCKET CONTROL ORDER AT THE TIME OF SERVICE.**
2. **EXPERT WITNESS DESIGNATION.** Expert witness designations are required and must be served by the following dates. The designation must include the information listed in Rule 194.2(f). Failure to timely respond will be governed by Rule 193.6.
 - (a) **09/03/07** Experts for parties seeking affirmative relief.
 - (b) **10/01/07** All other experts.
3. **STATUS CONFERENCE.** Parties shall be prepared to discuss all aspects of the case, including ADR, with the court on this date. **TIME:**
Failure to appear will be grounds for dismissal for want of prosecution.
4. **DISCOVERY LIMITATIONS.** The discovery limitations of Rule 190.2, if applicable, or otherwise of Rule 190.3 apply unless changed below:
 - (a) Total hours per side for oral depositions.
 - (b) Number of interrogatories that may be served by each party on any other party.
5. **ALTERNATIVE DISPUTE RESOLUTION.**
 - (a) **10/01/07** By this date the parties must either (1) file an agreement for ADR stating the form of ADR requested and the name of an agreed mediator, if applicable; or (2) set an objection to ADR. If no agreement or objection is filed, the court may sign an ADR order.
 - (b) **12/17/07** ADR conducted pursuant to the agreement of the parties must be completed by this date.
6. **11/30/07 DISCOVERY PERIOD ENDS.** All discovery must be conducted before the end of the discovery period. Parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period. Counsel may conduct discovery beyond this deadline by agreement. Incomplete discovery will not delay the trial.
7. **DISPOSITIVE MOTIONS AND PLEAS.** Must be set for hearing or submission as follows:
 - (a) **10/01/07** If subject to an interlocutory appeal, dispositive motions or pleas must be set by this date.
 - (b) **10/01/07** Summary judgment motions not subject to an interlocutory appeal must be set by this date.
 - (c) **10/01/07** Rule 166a(i) motions may not be set before this date.
8. **11/30/07 CHALLENGES TO EXPERT TESTIMONY.** All motions to exclude expert testimony and evidentiary challenges to expert testimony must be filed by this date, unless extended by leave of court.
9. **11/30/07 PLEADINGS.** All amendments and supplements must be filed by this date. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.
10. **PRE-TRIAL CONFERENCE OR DOCKET CALL.**
Parties shall be prepared to discuss all aspects of trial with the court on this date. **TIME:**
Failure to appear will be grounds for dismissal for want of prosecution.
11. **12/31/07 TRIAL.** If not assigned by the second Friday following this date, the case will be reset.

SIGNED

JOHN MICHAEL JORDAN
1000 LOUISIANA 3400
HOUSTON TX 77002-5007

JOSEPH J. HALBACH JR
JUDGE, 333RD DISTRICT COURT
DATE GENERATED: 09/21/2006
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SIGNED

GLENN R LEMAY
1900 W LOOP S 1100
HOUSTON TX 77027

JOSEPH J. HALBACH JR
JUDGE, 333RD DISTRICT COURT
DATE GENERATED: 09/21/2006
12188690



I, Charles Bacarisse, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this _____

Certified Document Number: _____

CHARLES BACARISSE, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@dco.co.harris.tx.us