

 **NORTON ROSE FULBRIGHT**

October 17, 2016

Probate Clerk
Travis County Probate Court
Travis County Courthouse
100 Guadalupe Street, Room 217
Austin, TX 78701

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Re: No: C-1-PB-14-001245; In re: Tel Offshore Trust; in the Probate County No. 1 of Travis County Texas

Dear Clerk:

Pursuant to the Court's order, enclosed is a proposed scheduling order, which has been agreed to by counsel for the Trustees, the Ad Litem, counsel for the Ad Litem, and counsel for RNR Production Land and Cattle. Please note that the Trustees submit this order without prejudice to their right to move to stay the proceedings in the event they seek appellate remedies.

Please let us know if you have any questions.

Very truly yours,



Paul Trahan

PT/jw

Enclosure (electronically filed along with payment of the required fee)

Cc: Via Texas e-filing and email on Ad Litem, counsel for Ad Litem, Albert Speisman, counsel for RNR Production Land and Cattle, and counsel for Corporate Trustee Bank of New York Mellon Trust Company, N.A. and all other interested parties in this matter in accordance with the Court's Order Directing Method of Service dated January 21, 2016.

IN RE: § IN THE PROBATE COURT
§
§ NO. 1 OF
§
TEL OFFSHORE TRUST § TRAVIS COUNTY, TEXAS

SCHEDULING ORDER

In accordance with Rule 190.4 of the Texas Rules of Civil Procedure, the Court orders the following deadlines and limitations with respect to preparation for trial in the captioned lawsuit:

1. Date for Trial: Trial is set for June 12-30, 2017.
2. Pretrial Conference: The pretrial conference is scheduled for June 8, 2017.
3. Jury Selection: The parties will select a jury on June 9, 2017.
4. Discovery Level: Discovery in this case will be under Level 3.
5. Mediation: The parties will mediate on or before December 16, 2016.
6. Expert Disclosures: The deadline to disclose experts in support of claims for affirmative relief , produce expert reports, and otherwise respond fully to Rule 194.2(f) of the Texas Rules of Civil Procedure is January 31, 2017. The deadline to disclose experts for parties opposing claims for affirmative relief, produce expert reports, and otherwise respond fully to Rule 194.2(f) of the Texas Rules of Civil Procedure is March 23, 2017.
7. Pleadings: The deadline for parties to plead, amend, or supplement pleadings seeking claims for affirmative relief is January 31, 2017. The deadline for parties to amend or supplement pleadings in response or opposition to claims for affirmative relief is March 13, 2017.
8. Discovery Deadline: The discovery period ends April 20, 2017.

Additional Deadlines (the categories of which correspond to those promulgated by Travis County District Courts in their “Amended Standing Pretrial Scheduling Order for Trial of Civil Jury Cases Including Use of Electronic Media,” effective May 1, 2004):

9. On or before April 7, 2017: File any challenges to expert witnesses supporting claims for affirmative relief.

10. On or before May 15, 2017: File any challenges to expert witnesses opposing claims for affirmative relief.

11. On or before May 22, 2017:

(a) Counsel will exchange their respective lists of fact and expert witnesses, including rebuttal witnesses that reasonably should be anticipated, that each intends to call at trial. Persons not so identified will not be allowed to testify unless good cause is shown.

(b) Counsel shall exchange a list of exhibits that each reasonably anticipates will be offered in evidence. Exhibits not listed will not be admitted unless good cause is shown. Counsel should stipulate insofar as possible to the authenticity and admissibility of exhibits to be used at trial.

(c) Counsel shall exchange page and line references for all deposition testimony to be offered in the case in chief.

12. On or before May 26, 2017: Counsel shall exchange motions *in limine*.

13. On or before May 30, 2017: Counsel shall exchange cross-designations of page and line references of all deposition testimony to be used at trial. Counsel shall also provide a written statement of page and line references to designations that are the subject of any evidentiary objections, including the basis for the objections. Failure to object will be deemed a waiver of any objections.

(a) On or before June 5, 2017: Counsel shall provide a written statement of page and line references to cross-designations that are the subject of any evidentiary objections, including the basis for the objection. Failure to object will be deemed a waiver of the objection.

(b) On or before June 2, 2017. Each party shall serve on all other parties a proposed jury charge, including questions, definitions and instructions, which shall include citation to the Texas Pattern Jury Charge or other authority that supports the submission. If case law supports the submission, include a copy of the case with material language highlighted for the Court at pretrial. Include petition history. The charge shall also be submitted electronically in Word format. At the pretrial, counsel shall also furnish the Court a copy of the active trial pleadings.

14. On or before June 7, 2017:

Counsel shall confer in good faith in an attempt to resolve all objections to deposition designations and exhibits, as well as to resolve disputed motions in *limine* filed by an opposing party. Any objections not resolved by conference will be heard at the pretrial conference on June 8, 2017. No video depositions should be edited until the Court rules on objections. All video depositions shall be edited to eliminate cumulative testimony and to present only those matters that are relevant and material. All extended silent passages and objections/exchanges between counsel shall be omitted.

The parties may amend any of the above deadlines by written agreement except any change in the pretrial conference, jury selection or trial date shall be subject to court approval.

Signed this _____ day of _____, 2016.

DISTRICT JUDGE PRESIDING