

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

SHERRY ELLIS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	NO. CIV-16-0019-HE
	)	
DANIEL HOLTZCLAW, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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TABATHA BARNES, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	NO. CIV-16-0184-HE
	)	
CITY OF OKLAHOMA CITY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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ADAIRA GARDNER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-16-0349-HE
	)	
DANIEL HOLTZCLAW, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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ROSETTA GRATE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-16-0412-HE
	)	
CITY OF OKLAHOMA CITY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**REVISED SCHEDULING ORDER**

**JURY TRIAL DEMANDED** -  **NON-JURY TRIAL**

**THE FOLLOWING DEADLINES ARE SET BY THE COURT:**

1. Motions to join additional parties to be filed by: N/A.
2. Motions to amend pleadings to be filed by: N/A.
3. Plaintiff(s) to file a **final** list of **expert witness(es) in chief** and **submit expert reports** to defendant(s) by: N/A.\* Defendant(s) to file a **final** list of **expert witness(es) in chief** and **submit expert reports** to plaintiff(s) by: N/A.\*
4. Plaintiff(s) to file a **final** list of witnesses together with addresses and brief summary of expected testimony where a witness has not already been deposed by: N/A.\* Defendant(s) to file a **final** list of **witnesses** (as described above): N/A.\*
5. Plaintiff(s) to file a **final exhibit** list by: N/A.\* Defendant(s) to file objections to plaintiff(s) final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B) by: N/A.
6. Defendant(s) to file a **final exhibit** list and any exhibits not previously submitted by: 10/01/2021.\* Plaintiff(s) to file objections to defendant(s) final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B) by: N/A.

**\*The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.**

7. Discovery to be completed by: N/A.
8. All dispositive and *Daubert* motions to be filed by: N/A.

If the deadline for dispositive motions and *Daubert* motions precedes the discovery deadline, the parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.

9. **Trial Docket: JANUARY, 2022.\***

**\*\*Trial dockets generally begin the second Tuesday of each month. However, this practice varies, particularly during holidays. The setting or sequence of trials in both criminal and civil cases is ordinarily determined at docket call.**

The interval between the dispositive motion deadline (§ 7) and the trial docket (§ 8) is relatively inflexible. An extension of time to file or respond to a motion for summary judgment will likely affect the trial setting.

10. Designations of deposition testimony to be used at trial to be filed by: 12/15/2021.  
Objections and counter designations to be filed by: 12/25/2021.

11. Motions in limine to be filed by: 12/15/2021.

12. Requested voir dire to be filed by: 12/15/2021.

13. Trial briefs (optional unless otherwise ordered) to be filed by: 12/15/2021.

14. Requested jury instructions to be filed on or before: 12/15/2021.

15. Proposed findings and conclusions of law are to be filed not later than: \_\_\_\_\_  
.\*\*\*

**\*\*\*In addition to filing, the parties are encouraged, but not required, to submit their proposed jury instructions or findings of fact and conclusions of law in Microsoft Word format to the Clerk via the court's designated mail box: [heaton-orders@okwd.uscourts.gov](mailto:heaton-orders@okwd.uscourts.gov).**

16. Responses to motions in limine shall be filed within **fourteen (14) days**. Any objection or response to the trial submissions referenced in 11, 12, 13, or 14 shall be filed within **seven (7) days**.

17. The Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (*See Appendix IV*), together with a proposed order approving the report, to be submitted to the court by: 12/15/2021.

18. This case is referred to ADR:

by agreement of the parties, with the approval of the Court:

by Order of the Court:

Mediation

Judicial Settlement Conference

Other: \_\_\_\_\_.

If the case is referred to mediation, the process shall be completed and a report filed with the court by the parties, stating whether the case settled, not later than \_\_\_\_\_.

19. Notwithstanding LCvR16(a), this case will not be automatically set for judicial settlement conference. The court will, however, ordinarily order such a conference if the parties file a joint motion requesting same within 7 days after the trial docket is published. The motion shall provide reasons justifying the commitment of court resources to the settlement process and shall describe the efforts of the parties to effect an agreed resolution of the case by direct discussions or otherwise. The court may order such a conference upon the motion of a single party filed within that time period, but any such motion must make a particularly strong showing of the need for a judicial conference and shall state why a joint motion has not been made.

- 20.  The parties consent to trial by Magistrate Judge.
- 21. Initial disclosures pursuant to Fed. R. Civ. P. 26 have been: made ; are excused ; or  shall be made not later than \_\_\_\_\_.
- 22. Other: \_\_\_\_\_  
\_\_\_\_\_.

Dated this 10<sup>th</sup> day of November, 2021.

**BY ORDER OF THE COURT  
CARMELITA SHINN, CLERK OF COURT**

By: s/Lisa Minter  
Deputy Clerk

Copies to all parties