

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AUBREY CLARK AND WIFE,	§	
KELLY CLARK	§	
<i>Plaintiffs,</i>	§	
	§	
vs.	§	CIVIL ACTION NO. 2:07-CV-191
	§	(Judge T. John Ward)
	§	
KELLOGG BROWN & ROOT, LLC, et al	§	
<i>Defendants.</i>	§	
	§	

Agreed Docket Control Order

1. November 9th PLAINTIFFS will designate experts that may be used at trial. PLAINTIFFS will provide updated reports for any expert opinions that were not contained in depositions of any expert previously deposed in the Matagorda County case. To the extent that it has not been previously provided in the Matagorda County case, PLAINTIFFS will provide any supporting documentation required by Federal Rule 26 (a)(2)(B) (with the exception of a written report if an expert has already been deposed and their opinions have not changed). The parties agree that an expert's deposition testimony in the Matagorda County case will satisfy the Federal Rule's requirement for a written report, however, no expert opinions will be offered that are not provided in a written report or expert deposition.
2. November 23rd DEFENDANTS will designate experts that may be used at trial. DEFENDANTS will provide updated reports for any expert opinions that were not contained in depositions of any expert previously deposed in the Matagorda County case. To the extent that it has not been previously provided in the Matagorda County case, DEFENDANTS will provide any supporting documentation required by Federal Rule 26 (a)(2)(B) (with the exception of a written report if an expert has already been deposed and their opinions have not changed). The parties agree that an expert's deposition testimony in the Matagorda County case will satisfy the Federal Rule's requirement for a written report, however, no expert opinions will be offered that are not provided in a written report or expert deposition.
3. November 16th PLAINTIFFS will identify all fact witnesses that may be used at trial.
4. November 30th DEFENDANTS will identify all fact witnesses that may be used at trial.
5. December 15th DISCOVERY – all discovery will be completed by this date.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing was served via CM/ECF for the Eastern District of Texas, this 5th day of November, 2007.

_____/s/_____
James G. Martingano