

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

STATE OF TEXAS,

Plaintiff,

v.

MERRICK GARLAND, in his official
capacity as Attorney General, et al.,

Defendants.

No. 5:23-CV-034-H

ORDER

Before the Court is the parties' joint motion for a continuance. Dkt. No. 74. The Court, finding good cause for a continuance, grants the motion. The Court resets the deadlines for the trial as follows:

1. The parties shall exchange declarations by November 1, 2023. Any objections to the admissibility of these declarations shall be filed by November 7, 2023.
2. The parties shall exchange any responsive declarations by November 7, 2023.
3. The plaintiff shall file an exhibit and witness list by November 14, 2023.
 - a. The exhibit list shall identify any affidavits, declarations, or other evidence that the plaintiff may wish the Court to consider, including any document it may seek to introduce through live testimony. In lieu of repeated filings, the plaintiff may designate previously filed affidavits, declarations, or evidence.

The plaintiff is not required to identify documents it may potentially rely upon in cross-examination for purposes of impeachment.

The plaintiff shall deliver two sets of marked exhibits to the Lubbock Division's Clerk's Office, marked to the attention of Judge Hendrix's chambers. Exhibits are to be placed in three-ring binders, the front of the binder is to be labeled with the style of case, case number, name of the party, and volume number, and the spine of each binder should be labeled with the appropriate exhibit numbers and/or range of exhibit numbers. The plaintiff should make sure that the size of the exhibit binders is not overly cumbersome for the Court to utilize on the bench.

- b. The witness list shall identify any witness that the plaintiff seeks to call for live testimony at trial. For each witness, the plaintiff shall provide the topics and scope of the expected testimony. The plaintiff may recall any of its witnesses in rebuttal to the defendants' witnesses' testimony.
 - c. No amendments shall be made to the plaintiff's exhibit or witness list after November 14, 2023, without good cause or unless the parties agree.
 - d. The exhibit and witness list need not include any exhibits or witnesses that the plaintiff plans to use solely for rebuttal.
4. The defendants shall file an exhibit and witness list by November 17, 2023.
- a. The exhibit list shall identify any affidavits, declarations, or other evidence that the defendants may wish the Court to consider, including any document they may seek to introduce through live testimony. In lieu of repeated filings, the defendants may designate previously filed affidavits, declarations, or evidence.


The defendants are not required to identify documents they may potentially rely upon in cross-examination for purposes of impeachment.

The defendants shall deliver two sets of marked exhibits to the Lubbock Division's Clerk's Office, marked to the attention of Judge Hendrix's chambers. Exhibits are to be placed in three-ring binders, the front of the binder is to be labeled with the style of case, case number, name of the party, and volume number, and the spine of each binder should be labeled with the appropriate exhibit numbers and/or range of exhibit numbers. The defendants should make sure that the size of the exhibit binders is not overly cumbersome for the Court to utilize on the bench.

- b. The witness list shall identify any witness that the defendants seek to call for live testimony at trial. For each witness, the defendants shall provide the topics and scope of the expected testimony. The defendants may recall any of their witnesses in rebuttal to the plaintiff's witnesses' testimony.
- c. No amendments shall be made to the defendants' exhibit or witness list after November 17, 2023, without good cause or unless the parties agree.
- d. The exhibit and witness list need not include any exhibits or witnesses that the defendants plan to use solely for rebuttal.

5. The parties shall file any motions to exclude evidence or witnesses by November 20, 2023. These motions are without prejudice to objections at trial to particular testimony or particular uses of a piece of evidence.
6. The parties shall file any response to any motion to exclude by November 22, 2023.
7. The parties shall appear in-person for a Final Pretrial Conference on November 28, 2023, at 8:30 a.m. in the United States District Court, Courtroom C-216, 1205 Texas Avenue, Lubbock, Texas. The Court may address pending motions and objections and pre-mark and pre-admit exhibits.
8. Trial shall begin on November 28, 2023, at 9:30 a.m. in the United States District Court, Courtroom C-216, 1205 Texas Avenue, Lubbock, Texas.

So ordered on October 24, 2023.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE