

SJT: Agreed Order

AGREED SUMMARY JURY TRIAL ORDER

This case is appropriate for a summary jury trial (SJT) pursuant to Section 154.001 et. seq. of the Texas Civil Practice and Remedies Code.

Will Pryor is appointed to serve as the SJT judge. All counsel are directed to contact the SJT judge to arrange the logistics of the SJT within seven days from the date of this order. Any objection to this order must be filed within ten days from the date of receipt of this order; any objection that is neither timely filed nor ruled upon before the scheduled SJT may be waived.

The SJT is a mandatory but non-binding Alternative Dispute Resolution Procedure, conducted with the assistance of the SJT judge. The procedure is private, confidential, and privileged from process and discovery. After completion of the SJT the court will be advised by the SJT judge only that the case did or did not settle. The SJT judge shall not be a witness nor may the records of any party to the SJT be subpoenaed or used as evidence. No subpoenas, citations, writs, or other process shall be served at or near the location of the SJT upon any person entering, leaving, or attending the SJT.

SJT jurors are participants in the SJT and are subject to the provisions of Section 154.001 et. seq.

The SJT judge will negotiate a reasonable fee with the parties which shall be divided and borne equally by the parties unless agreed otherwise, paid by the parties directly to the SJT judge, and taxed as costs. If the parties do not agree upon the fee requested by the SJT judge, the court will set a reasonable fee, which shall be taxed as costs. Each party and their counsel will be bound the rules for SJT's.

Named parties shall be present during the SJT and each corporate party must be represented by an executive officer with authority to negotiate a settlement. Counsel, the

parties, and the SJT judge shall agree upon the date of the SJT within twenty days of this order. If no date can be agreed upon within the twenty day period, the SJT judge shall select a date for the SJT and all parties shall appear as directed by the SJT judge.

Failure or refusal to attend the SJT as scheduled may result in the imposition of sanctions, as permitted by law, which may include dismissal or default judgment. Failure to conduct the SJT will not be considered cause for continuance of the trial date. Referral to SJT is neither a substitute for nor a cause for delay of trial, and the case will be tried if not settled.

Dated _____, 2007.

Judge Presiding

Agreed:

Counsel for Plaintiff

Counsel for Defendant