

(b) The parties have filed a Proposed Scheduling Order, or

(c) The court has entered a Scheduling Order.

(3) If, in a pending action, one of the preceding events has not occurred before April 15, 2014, the parties shall file a Joint Report and a Proposed Scheduling Order in accordance with the Amendments by June 30, 2014, or within 270 days after the commencement of the action, whichever date is later. Otherwise, the court will place the action on the Dismissal Calendar in accordance with the Amendments.

(4) A trial court, in its discretion, may apply any of the Amendments to a case pending before April 15, 2014, even if the Amendments would not otherwise apply under paragraph (2) above. For example, if a party filed a Motion to Set and Certificate of Readiness before April 15, 2014, the trial judge may set the matter for a trial setting conference under amended Rule 16(f), rather than placing the case on the active calendar under former Rule 38.1(c).

(5) Civil actions placed on the Inactive Calendar before April 15, 2014 shall be dismissed without prejudice on June 14, 2014, unless one of the actions set forth in subparts (1)-(4) of amended Rule 38.1(f) occurs before that date.

DATED this _____ day of November, 2013.

REBECCA WHITE BERCH
Chief Justice

TO:

Rule 28 Distribution

John A Furlong

Charles V Harrington

Sarah R Simmons

Carmine Cornelio

Kenton D Jones, Judge

Laurie Beaver San Angelo

Andrew J Petersen

Mark C Faull

Marcus Reinkensmeyer