

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

NINE LINE APPAREL, INC.,

Plaintiff,

VS.

JANAE ELAINE SERGIO,

Defendant.

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CIVIL ACTION NO. SA-23-CV-0997-FB

COURT ADVISORY CONCERNING DISCOVERY AND OTHER MATTERS


As this case begins, the Court wishes to apprise counsel and the parties of the Court's expectations concerning the conduct of discovery and other matters:

1. Subject to matters of privilege, the Court expects the parties to engage in full and open discovery, laying all cards on the table with the goal being the early and less expensive resolution of this dispute for the benefit of the parties. *See generally* FED. R. CIV. P. 26(b)(1) and W. DIST. LOC. R. CV-16 and CV-26 through CV-37.
2. There will be no Rambo tactics, acerbic shrillness, or other forms of elementary school behavior. Simply put: Do not play games.
3. Make time for earspace, *i.e.* talking and listening as opposed to texting and emailing.
4. If necessary, the Court will require the party wishing to withhold information to present those items in camera to the Court. Should it be determined that discovery of those items should have been made, the Court will impose appropriate penalties.
5. The Court observes, and counsel are well aware, that a trial, appeal and reversal and remand for new trial would result in each side being aware of the opponent's evidence. It would appear to be more efficient and less costly for the clients simply to make discovery early in the case, **regardless of whether the information is hard copy, computerized, etc.**
6. **In this modern environment of artificial intelligence, counsel are reminded of traditional obligations of professional responsibility to be honest with the Court and opposing counsel, regardless of drafting methodology employed. The signature of counsel on all**

pleadings constitutes an affirmation that all of the pleading contents have been validated for accuracy and authenticity.

It is so ORDERED.

SIGNED this 31st day of October, 2023.



FRED BIERY
UNITED STATES DISTRICT JUDGE

THE TEXAS LAWYERS' CREED
(EXCERPTED)

I am passionately proud of my profession. Therefore, "My word is my bond."

I will be courteous, civil, and prompt in oral and written communications.

I can disagree without being disagreeable.

I will conduct myself in court in a professional manner and demonstrate my respect for the Court and the law.

I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.