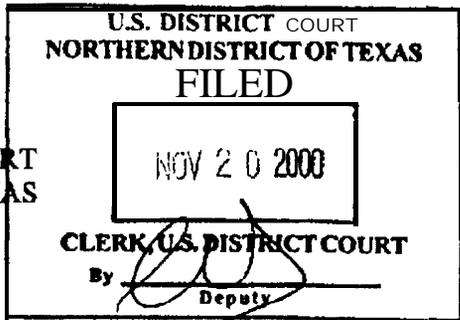


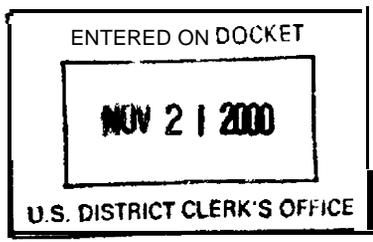
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



STEPHEN E. JONES, et al.,  
Plaintiffs  
vs.  
GOVERNOR GEORGE W. BUSH, et al.,  
Defendants

Civil Action No. 3:00-CV-2543-D



**ORDER**

On November 20, 2000 plaintiffs filed an application for a preliminary injunction. Pursuant to Fed. R. Civ. P. 43(e), the court will decide the application on the basis of affidavits, deposition excerpts, and/or exhibits. See, e.g., *FSLIC v. Dixon*, 835 F.2d 554, 558-59 (5th Cir. 1987); *E. E. Maxwell Co. v. Arti Decor, Ltd.*, 638 F. Supp. 749, 751 n.3 (N.D. Tex. 1986). The court will convene an evidentiary hearing only if necessary to resolve a controlling fact issue that involves a determination of witness credibility. This order governs the timing and content of the required submissions.

I

**Plaintiffs** must file their supporting materials and a separate brief. Until these documents are filed, the court will not calendar the application internally for decision, and no opposing party need respond.

The brief must comply with local **civil rule** 7.2, except that the page limit of LR 7.2(c) is hereby enlarged to **50** pages. Supporting materials must be set out in an appendix, in the form prescribed by **§ IV** of this **order**. The brief must include citations to each page of the appendix that supports each assertion made concerning the evidence.

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The appendix and brief must be served on all parties entitled to such service no later than the same day that they are filed with the clerk of court.

## II

Defendants must file their opposition materials, and a separate brief, within 3 business days of the date the documents required in § I are filed with the clerk of court.

The brief must comply with local civil rule 7.2, except that the page limit of LR 7.2(c) is hereby enlarged to 50 pages. Opposition materials must be set forth in an appendix, in the form prescribed by § IV of this order. The brief must include citations to each page of the appendix that supports each assertion made concerning the evidence.

The appendix and brief must be served on all parties entitled to such service no later than the same day that they are filed with the clerk of court,

## III

**Plaintiffs** may **file** a reply **brief**, but not additional evidence, within 2 business days of the date the documents required by § II of this order are filed with the clerk of court. The brief must comply with local **civil** rule 7.2, except that the page limit of LR 7.2(c) is hereby enlarged to 25 pages. The brief must be served on **all** parties entitled to such service no later than the same day that it is filed with the clerk of court.

## IV

**Evidentiary** materials must be set out in an appendix that meets the following requirements: (A) The appendix must be assembled as a self-contained document, separate **from** the brief. **(B)** Each page of the appendix must measure 8½ x 11 inches. Non-documentary exhibits (e.g., videotapes and other physical exhibits) and oversized exhibits (e.g., maps and schematic drawings) that are included

in the appendix must be placed in an envelope that measures 8½ x 11 inches. (C) Each page of the appendix must be numbered legibly in the lower, right-hand corner. The first page must be numbered as "1," and succeeding pages must be numbered sequentially through the last page of the entire appendix (*i.e.*, the numbering system must not re-start with each succeeding document in the appendix). An envelope that contains a non-documentary or oversized exhibit must be numbered as if it were a single page.

V

Plaintiffs are responsible for promptly serving a copy of this order on every party against whom injunctive relief is sought,

SO ORDERED.

November 20, 2000.

  
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SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE