

AUG 10 2007

At 1:58 p.m.
Amalia Rodriguez-Mendoza, Clerk

CAUSE NO. D-1-GN-07-001957

RESPONSIBLE GROWTH FOR	§	IN THE DISTRICT COURT
NORTHCROSS, INC.	§	
	§	
V.	§	200 TH JUDICIAL DISTRICT
	§	
THE CITY OF AUSTIN, LINCOLN	§	
PROPERTY COMPANY COMMERCIAL,	§	
INC. and LINCOLN NORTHCROSS, LTD.	§	TRAVIS COUNTY, TEXAS

CAUSE NO. D-1-GN-07-002012

ALLANDALE NEIGHBORHOOD	§	IN THE DISTRICT COURT
ASSOCIATION	§	
	§	
V.	§	98 TH JUDICIAL DISTRICT
	§	
CITY OF AUSTIN, LINCOLN PROPERTY	§	
COMPANY COMMERCIAL, INC. and	§	
LINCOLN NORTHCROSS, LTD.	§	TRAVIS COUNTY, TEXAS

**AGREED ORDER REGARDING SCHEDULING, PRETRIAL PROCEDURES, AND
DISCOVERY CONTROL PLAN**

1. November 13, 2007 Bench Trial.
2. August 24, 2007 Deadline to file special exceptions to live pleadings filed before August 22, 2007.
3. August 28, 2007 Deadline to amend pleading for new claims and new affirmative defenses.
4. September 7, 2007 Deadline for pleading new affirmative defenses or new claims responsive to opposing party's pleading amendments and affirmative defenses.
6. September 24, 2007 Deadline for designation of Plaintiffs' expert witnesses. The designation shall include the information required under Tex. R. Civ. P. 194.2(f).
7. September 29, 2007 Deadline to designate trial witnesses other than experts.
8. October 14, 2007 Deadline for designation of Defendants' expert witnesses. The designation shall include the information required under Tex. R. Civ. P. 194.2(f).
9. October 4, 2007 Deadline to serve written discovery.
10. October 24, 2007 Deadline to complete depositions.

11. November 3, 2007 The Parties shall exchange lists of trial exhibits, and page and line designations from depositions for all witnesses to be called in a party's case in chief by deposition. Cross designations of page and line testimony, and objections to exhibits and deposition testimony, shall be provided November 6, 2007. Rebuttal designations of deposition testimony shall be provided November 9, 2007.
12. Written discovery including Document Requests, Interrogatories and Requests for Admission shall be responded to within 20 days of the date of service.
13. All trial witnesses except for rebuttal witnesses (whose testimony cannot reasonably be anticipated prior to trial) must be made available for deposition 30 days or more prior to trial.
14. Reset or Continuance Shall Not Change Deadlines Which Have Passed. Reset or continuance of the trial date shall not change any deadlines in this Order which have already passed at the time the case is reset or continued by the Court, unless the changes are by written agreement of the Parties or ordered by the Court.
15. This order shall only be applicable to claims and defenses relating to what is referred to in the pleadings as the "second site plan." In the event a separate trial is held pursuant to TRCP 174(b) relating to the "first site plan," then a separate scheduling order shall govern such trial.
16. Plaintiffs will not request a temporary restraining order or temporary injunction prior to the November 13, 2007 trial setting.
17. Lincoln will not begin any exterior building demolition in the area designated on Exhibit A, as "No Exterior Demolition" prior to November 20, 2007.
18. Lincoln Property Company Commercial, Inc. and Lincoln Northcross, Ltd. will not remove any additional trees from the site which are greater than 8 inches in diameter prior to November 20, 2007, with the exception of 1) three trees identified as tree numbers 586, 587 and 588 on Exhibit A, and 2) up to two additional trees that may be identified at a later date. If additional trees are identified for removal, Plaintiff's counsel shall be provided with 5 days written notice of a designation of the tree(s) (by number(s) reflected on Exhibit A) scheduled for removal.
19. Delivery of all pleadings and discovery will be delivered same-day service via hand delivery, facsimile or e-mail.
20. The Parties can amend all dates herein except for the trial setting by written agreement. Absent written agreement of the Parties, the terms of this Order may be amended by the Court upon a showing of good cause for the same. An example of good cause would be a discovery dispute that prejudices a party's ability to meet a deadline in the current order.
21. If any of the dates set forth in this Agreed Scheduling Order fall on a Saturday, Sunday or legal holiday, the deadline will be the next business day that is not a Saturday, Sunday or legal holiday.

22. The deadlines in this order supersede any conflicting deadlines in the local rules.
23. Notwithstanding anything in this Order to the contrary, the earliest response date to any written discovery is two business days after the date this Order is signed.
24. Any party may serve on any other party no more than 30 written interrogatories, excluding interrogatories asking a party only to identify or authenticate specific documents.
25. Each side may have no more than 45 hours in oral deposition to examine and cross-examine parties on the opposing side, experts designated by these parties, ad persons who are subject to these parties' control. If one side designates more than two experts, the opposing side may have an additional six hours of total deposition time for each additional expert designated.

SIGNED Aug. 10, 2007.



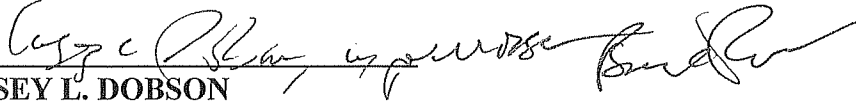
JUDGE PRESIDING

AGREED:



J. BRUCE SCRAFFORD
State Bar No. 17931100
ARMBRUST & BROWN, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701
Telephone (512) 435-2300
Fax (512) 435-2360

ATTORNEYS FOR LINCOLN PROPERTY
COMPANY COMMERCIAL, INC. AND
LINCOLN NORTHCROSS, LTD.



CASEY L. DOBSON

State Bar No. 05927600

CHRISTOPHER D. SILEO

State Bar No. 24027977

SCOTT, DOUGLASS & McCONNICO, L.L.P.

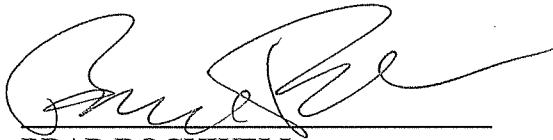
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ATTORNEYS FOR THE CITY OF AUSTIN



BRAD ROCKWELL

State Bar No. 17129600

SCANLAN, BUCKLE & YOUNG, P.C.

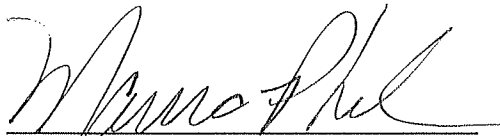
602 West 11th Street

Austin, Texas 78701

Telephone (512) 478-4651

Fax (512) 478-7750

ATTORNEYS FOR RESPONSIBLE
GROWTH FOR NORTHCROSS, INC.



MAURA PHELAN

State Bar No. 15902010

**BLAZIER CHRISTENSEN BIGELOW
& VIRR, PC**

221 West 6th Street, Suite 1500

Austin, Texas 78701

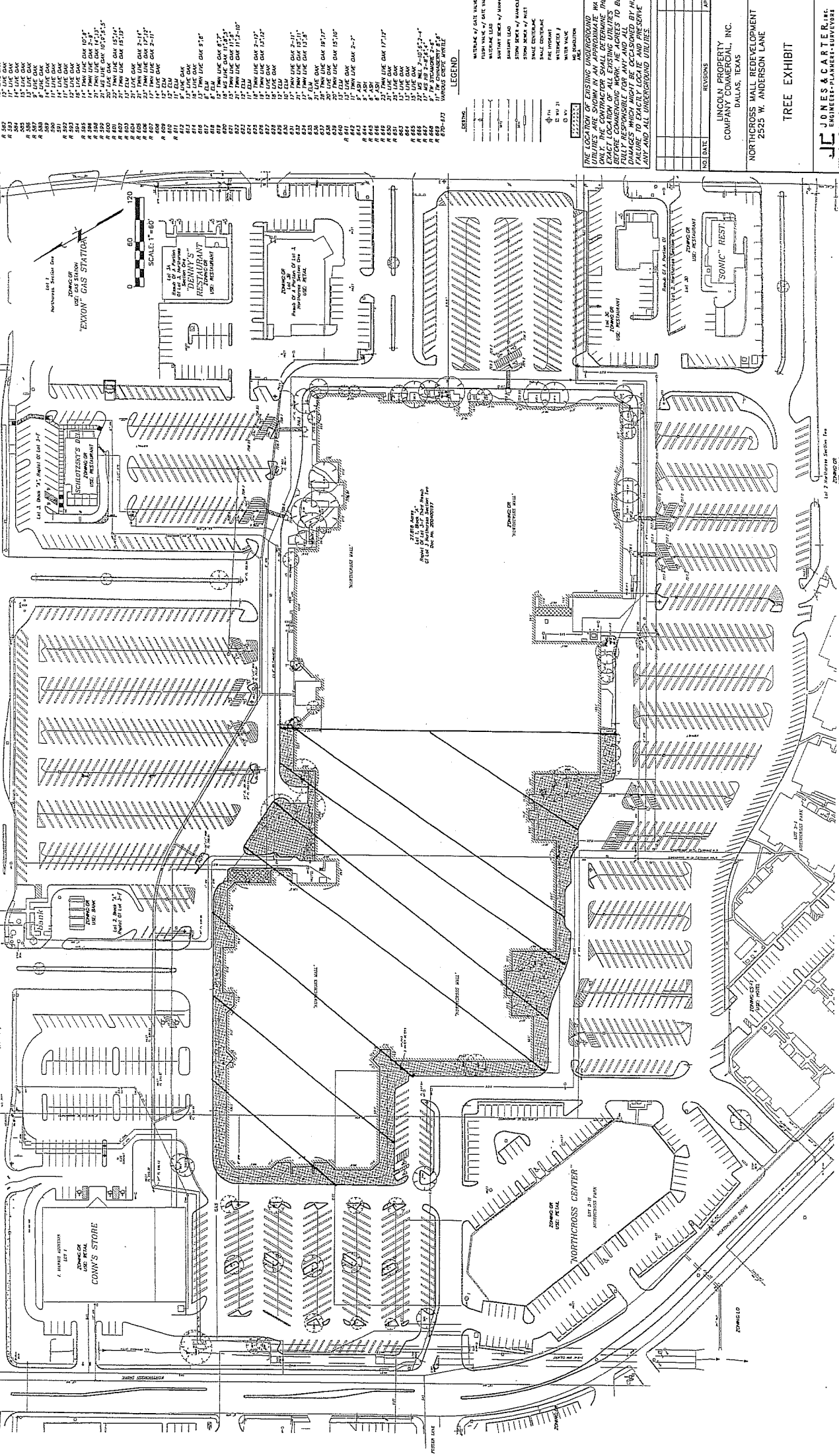
Telephone: (512) 476-2622

Fax: (512) 476-8685

ATTORNEYS FOR ALLANDALE
NEIGHBORHOOD ASSOCIATION

RESUBMITTAL (P-020002)

TREE NO.	DESCRIPTION
1	12" LIVE OAK
2	12" LIVE OAK
3	12" LIVE OAK
4	12" LIVE OAK
5	12" LIVE OAK
6	12" LIVE OAK
7	12" LIVE OAK
8	12" LIVE OAK
9	12" LIVE OAK
10	12" LIVE OAK
11	12" LIVE OAK
12	12" LIVE OAK
13	12" LIVE OAK
14	12" LIVE OAK
15	12" LIVE OAK
16	12" LIVE OAK
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18	12" LIVE OAK
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93	12" LIVE OAK
94	12" LIVE OAK
95	12" LIVE OAK
96	12" LIVE OAK
97	12" LIVE OAK
98	12" LIVE OAK
99	12" LIVE OAK
100	12" LIVE OAK



LEGEND

SYMBOLS FOR EXISTING UTILITIES:
 WATER MAIN
 SANITARY SEWER
 GAS
 TELEPHONE
 CABLE TELEVISION
 FIRE ALARM
 LIGHTNING PROTECTION
 ETC.

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY. THE EXACT LOCATION OF ALL EXISTING UTILITIES SHOULD BE DETERMINED BY THE CONTRACTOR BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING UTILITIES AND TO PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NO.	DATE	REVISIONS

LINCOLN PROPERTY COMPANY COMMERCIAL, INC.
 DALLAS, TEXAS
 NORTH CROSS MALL REDEVELOPMENT
 2525 W. ANDERSON LANE

TREE EXHIBIT

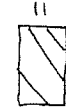
J. JONES & CARTER, INC.
 2500 GLENVIEW PARKWAY, SUITE 200, ADDICKS, TEXAS 75201 (817) 416-1100

SCALE: 1" = 60'
 DATE: JULY 2007
 JOB NO.: 04-000-001-001
 SUBMITTER: BURY, BRY
 DCA: JAE
 DPA: JCH
 DWG. NO.:
 SHEET NO.: 1 OF 1

FOR CITY USE ONLY:

ALL SHEETS RELEASE
 THE NUMBER OF SHEETS RELEASED SHALL BE APPROVED BY THE CITY ENGINEER.
 DATE OF RELEASE:
 BY:

NO EXTERIOR DEMOLITION



- DEMOLITION NOTES:**
- REMOVE AND DISPOSE OF EXISTING STRUCTURES AS SHOWN, INCLUDING PLUMBING, HINGE AND FIXTURES BELOW GRADE.
 - A SEPARATE DEMOLITION PERMIT AND EROSION CONTROL PLAN IS REQUIRED BY THE CITY OF AUSTIN FOR EACH PHASE.
 - CONTRACTOR SHALL COMPLY WITH LOCAL, STATE AND FEDERAL REGULATIONS REQUIRED FOR DEMOLITION WORK.
 - REMOVE WATER METERS AS SHOWN IN TABLE. RETURN METERS TO AUSTIN WATER UTILITY.
 - A PRECONSTRUCTION MEETING WITH THE ENVIRONMENTAL INSPECTOR IS REQUIRED PRIOR TO ANY SITE DISTURBANCE.
 - EROSION CONTROLS PROVIDED ON SHEET L3.

- GENERAL NOTES:**
- ONLY VISIBLE EVIDENCE OF IMPROVEMENTS AND UTILITIES WERE LOCATED IN THE FIELD. ALL UNDERGROUND UTILITIES SHOWN HEREIN ARE FROM RECORD INFORMATION.
 - THE IMPROVEMENTS SHOWN ARE AS PER SURVEY PROVIDED BY BURY & PARTNERS, INC.