

Instructions

In this packet, you will find:

- 1. Discovery Control Plan and Scheduling Order, which needs to be completed and submitted to the Court before you will receive your trial setting,**
- 2. Mediation Order, which will also need to be submitted at the same time you submit your Scheduling Order, and**
- 3. Pretrial Information Sheet, Witness List and Exhibit List, which will be submitted at the Formal Pretrial Conference.**

VS.

IN THE 219th JUDICIAL
DISTRICT COURT OF
COLLIN COUNTY, TEXAS

DISCOVERY CONTROL PLAN AND SCHEDULING ORDER

BE IT REMEMBERED that a pretrial conference was held in the above cause pursuant to a request by the Court previously notifying the parties that an informal conference would be held prior to a trial setting in this matter. The following parties and/or attorneys were present or agreed to this Order: _____

The following was **agreed and stipulated** by the parties **AND/OR** Ordered by the Court:

- a. **1. Amended Pleadings.** The deadline for filing amended pleadings is (Date) _____.
- 2. Special Exceptions.** The deadline for filing exceptions to pleadings is (Date) _____.
- 3. Discovery.** All discovery shall be completed by (Date) _____.
- Discovery requests shall be served or filed, as appropriate, in sufficient time to allow for a timely response to such discovery requests to be served or filed by the discovery deadline.**
- 4. Time Limits for Depositions:** _____
- 5. Limitations on Interrogatories:** _____
- 6. Limitations on Requests for Production:** _____
- 7. Other Limitations:** _____
- 8. Deadline for Designations of Experts.** Plaintiff shall file a designation of its testifying experts by (Date) _____. Defendant shall file a designation of its testifying experts by (Date) _____.
Any expert not designated shall not be permitted to testify. A designation shall include the subject matter and opinions to be offered by the expert.
- b. **All "Daubert/Dupont" challenges shall be heard at the formal pretrial conference or at a time set by the Court prior to trial. Such objections shall be in writing and filed at least 10 days before the formal pretrial conference. The procedure for the hearing will be specified by the Court after considering the objection and the circumstances of the challenge.**
- c. **Dispositive Motions** (Summary Judgments, Plea to Jurisdiction, Plea in abatement, etc.). All dispositive motions shall be filed and heard by (Date) _____.
- d. **Mediation.** Mediation is required. Parties may submit an agreed written order designating their own mediator within ten (10) days. If an agreed order is not submitted within ten (10) days, the case shall be mediated with a mediator appointed by the Court and the attached mediation order shall govern the case.
- e. **Formal Pre-Trial Conference.** This case is set for formal pre-trial on (Court Coordinator will set – leave blank) _____. Each party is directed to complete the **attached pretrial information sheets and produce the following** at the Pre-Trial Conference.
 - 1) A concise trial summary as follows: State each separate cause of action and/or defense; each element of each cause of action and/or defense; if appropriate, a precise legal standard for measure of damages. Please be as brief and concise as possible. This summary is intended to be an aid for the Judge and staff, and should be limited to one page if possible. No formal headings or styles are required. Reference to case law and statute may be included.
 - 2) A list of anticipated witnesses, including the subject of, and estimated length of testimony.
 - 3) In a Jury Trial, proposed jury instructions and issues in hardcopy, and if possible, produce a computer disk.
 - 4) In a Bench Trial, proposed findings of fact and conclusions of law in hardcopy, and if possible, produce a computer disk.
 - 5) All documentary evidence and exhibits. Produce all exhibits to the court reporter **pre-marked for identification**, and to be prepared to consider stipulations as to the authenticity and admissibility of exhibits.
- f. **Other:**
- g. Each party shall be prepared to consider such other matters as may aid in the disposition of the case, including any matter raised pursuant to Rule 166a. All Pre-Trial motions (Motions in Limine, etc.) shall be filed 10 days before the formal pretrial conference and will be heard at the formal pretrial conference. **The Court will not hear pre-trial motions on the day of jury selection, without obtaining prior leave of Court.**
- h. **Time Required for Trial.** Each side needs _____ minutes/hours per side.
- i. **Jury Trial.** This matter is set for jury trial on _____.
- j. **Bench Trial.** This matter is set for a trial before the Court on _____.

Signed and approved this _____ day of _____, 20_____.

Judge Scott J. Becker, Judge Presiding

Plaintiff/Petitioner

Defendant/Respondent

Other

COURT REPORTER CIVIL PRETRIAL INFORMATION

To facilitate the most efficient use of time in the presentation of your trial, please provide the following information for your respective party(s):

Cause No. _____

_____ vs. _____

Scheduled Trial Date: _____

Party(s) Represented: _____

Name of Law Firm _____

Address _____

Phone _____ Fax _____

Attorney _____ Bar Card # _____

Paralegal _____ E-mail: _____

Name of Law Firm _____

Address _____

Phone _____ Fax _____

Attorney _____ Bar Card # _____

Paralegal _____ E-mail: _____

List of names of your potential witnesses. (Note: If you are planning to call expert witnesses, it would be helpful to know their area of expertise and, where possible, to have a list of specialized terms. For example, a copy of a condensed list of keywords from a deposition transcript.)

List of all pre-marked exhibits with a party designation, number and brief description. If there is a crossclaim filed, please use proper name designations (i.e., Smith Exhibit 1) rather than a generic "Plaintiff Exhibit" or "Defendant Exhibit."

If you have audio/videotape items that could possibly be displayed in court, please make a copy available to give to the reporter.

Please provide an 8.5 by 11 copy of any oversized exhibits.

vs.

ORDER OF REFERRAL TO MEDIATION

Having considered the matters in dispute in this lawsuit pursuant to the provisions of Tex. Civ. Prac. & Rem. Code Ann. § 154.001, *et seq.*, the Court finds that this matter should be referred to mediation. It is hereby

ORDERED that this matter is referred to mediation; it is

FURTHER ORDERED that the parties hereto shall confer immediately and, within ten (10) business days of the date of this Order, **may submit an Agreed Order** nominating a Mediator in this matter who is qualified pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 152.003 or § 154.052. In the event the parties submit said Agreed Order within ten (10) business days of the date of this Order, the Clerk of the Court is directed to present said Agreed Order immediately to the Court for consideration and, in the event the Court signs said Agreed Order, the name of the Mediator appearing therein shall be substituted for the name of the Mediator appearing in the following paragraph in this Order, and the Plaintiff/Petitioner herein is ORDERED to transmit the agreed order to all parties and attorneys and notify the mediator named below that the appointment has been revised by agreement.

In the event the parties fail to submit an Agreed Order nominating said Mediator, or the Court refuses or fails to sign said Agreed Order, it is ORDERED that

is appointed Mediator in this matter.

IT IS FURTHER ORDERED that all parties are directed to confer with the Mediator to establish a date for the Mediation. The parties and the Mediator shall attempt to agree on a date for the Mediation. In the event the parties cannot agree on a date, the Mediator shall, within 30 days, select and set a date for Mediation. The Mediation should occur prior to the scheduled pretrial conference in this cause; it is

FURTHER ORDERED that not less than three (3) days prior to the scheduled Mediation the parties shall serve upon the Mediator a Memorandum as specified by the Mediator. The Memorandum shall not be made part of the Court's file in this case; it is

FURTHER ORDERED that all parties to this matter, accompanied by their counsel if so represented, shall appear and attend the Mediation, and that each organization or agency party shall be represented by an officer or representative with authority and discretion to negotiate a settlement. No subpoenas, citations, writs or other process shall be served at or near the location of the Mediation upon any person entering, leaving or attending the Mediation; it is

FURTHER ORDERED that, upon completion of the Mediation, the Mediator is directed to advise this Court when the process was completed, whether the parties and their counsel appeared as ordered, and whether a settlement resulted. As provided by Tex. Civ. Prac. & Rem. Code Ann. § 154.053 and § 154.073, all matters, including the conduct and demeanor of the parties and their counsel during the mediation process, are to remain confidential and will not be disclosed to anyone, including this Court. Except as may be permitted by Tex. Civ. Prac. & Rem. Code Ann. § 154.073, neither the Mediator nor the Mediator's files shall be subject to a subpoena or to a request for production filed by any person; it is

FURTHER ORDERED that, unless otherwise ordered by the Court, or the parties agree otherwise in writing, the Mediator's fees shall be borne equally by the parties, shall be paid by the parties directly to the Mediator and may, upon hearing, be taxed as costs of court.

In addition to the above, if this is a suit affecting the parent-child relationship, IT IS ORDERED that the parties mediate pursuant to Texas Family Code Section 153.0071. Any agreements forthcoming from said mediation shall conform to the requirements of Section 153.0071.

Mediation is an alternative to and not a substitute for trial. This matter will be tried if not settled. Sanctions may be imposed for failure to comply with this order.

SIGNED

Scott J. Becker, Judge Presiding