

IN THE 416TH JUDICIAL
DISTRICT COURT OF
COLLIN COUNTY, TEXAS

VS.

DISCOVERY CONTROL PLAN AND SCHEDULING ORDER

In lieu of appearing for an informal pretrial conference the parties and/or attorneys have agreed to the following Discovery Control Plan and Scheduling 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 _____.
- 2. Special Exceptions.** The deadline for filing exceptions to pleadings is _____.
- 3. Discovery.** All discovery shall be completed by _____.
- 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 _____.
- Defendant shall file a designation of its testifying experts by _____.
- 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 no later than 90 days prior to trial. Such objections shall be in writing and filed at least 10 days before the 90th day prior to trial. The procedure for the hearing will be specified by the Court after considering the objection and the circumstances of the challenge.**
- c. **Dispositive Motions** (Plea to Jurisdiction, Plea in abatement, etc.). All dispositive motions shall be filed and heard by _____.
- All Summary Judgment motions will be done by submission and must be filed and set for submission no later than 60 days prior to trial. Any response to the Summary Judgment must be filed 7 days prior to the submission date.
- d. **Mediation.** Mediation is required. At the time they submit the scheduling order the parties may submit an agreed written order designating a mediator of their choice or sign and return the Order of Referral to the SMU Dispute Resolution Program.
- e. **Formal Pre-Trial Conference.**
Each party is directed to 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:**
The formal pretrial setting will be for non-evidentiary matters only. Evidentiary matters should be heard in a timely matter prior to the trial.
- 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 if 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 _____ hours per side.

Check One of the below dates for the Formal PT.

- i. **Jury Trial: February 1, 2010 at 9:00 am.**
- j. **Formal PT: _____ 1-27-10 at 1:30 PM., _____ 1-28-10 at 1:30 PM., _____ 1-29-10 at 1:30 PM.**

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

Judge Chris Oldner, Judge Presiding

Plaintiff/Petitioner

Defendant/Respondent