

VS.

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. This is a **Discovery Control Plan for Level 1 2 3** (Circle One) (If this case is a Level 1 or 2 case, nothing herein shall be construed as altering the limitations set forth in the Texas Rules of Civil Procedure; for Level 1 and 2 cases this order shall be construed only as a Pretrial Scheduling Order unless otherwise expressly stated.) **Parts a.1 through a.8 to be completed for Level 3 cases only.**

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 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 no later than forty-five (45) calendar days prior to trial, except upon leave by the court.

d. **Mediation** is required. Parties shall within ten (10) business days of the date of the pretrial conference, submit an agreed order designating a mediator or a written certification that mediation would not result in resolution or settlement.

e. **Formal Pre-Trial Conference.** This case is set for formal pre-trial on _____ at **10:00 a.m. (see enclosed list for dates and information)**

1) Failure to appear for formal pre trial will result in dismissal of this matter.

Each party is directed to produce the following at the Formal 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 _____ hours per side.**

i. **Jury Trial (9:00 a.m.)/Trial before Court (10:00 am) (see attached list for setting date)**

This matter is set for Jury trial Trial before the Court on _____.

Signed and approved this _____ day of _____, _____.

Corinne A. Mason, Judge Presiding

Plaintiff/Petitioner

Defendant/Respondent

Other

09/29/2010