

v.

§ IN THE DISTRICT COURT
 §
 § 401st JUDICIAL DISTRICT
 §
 § COLLIN COUNTY, TEXAS

DISCOVERY CONTROL PLAN AND SCHEDULING ORDER
 (Level 3– Civil)

In accordance with Rules 166, 190, and 191 of the Texas Rules of Civil Procedure, the Court makes the following order to control discovery and the schedule of this cause:

<p>Date:</p> <p>Time:</p>	<p>TRIAL SETTING: _____ Bench _____ Jury</p> <p>The trial of this cause is set for this date (“Initial Trial Setting”). <i>Reset or continuance of the Initial Trial Setting will not alter any deadline established by this Order or established by the Texas Rules of Civil Procedure, unless specifically provided by Rule 11 of the parties or Court order after motion showing good cause.</i> Estimated Length of Trial is _____ hrs/side. (Cannot exceed 3 hrs/side/TBC or 6 hrs/side/jury without approval of the Court)</p>
<p>Date:</p> <p>Time:</p>	<p>FORMAL PRE-TRIAL CONFERENCE (Court will set). A pre-trial conference shall be held on this date. Parties are encouraged to meet and confer prior to this date to determine agreed exhibits, deposition designations, and motions in limine. Each party is directed to produce the following at the pre-trial conference:</p> <ul style="list-style-type: none"> (1) Parties shall file with the Court the materials stated in Rule 166(d)-(m), designation of deposition testimony to be offered in direct examination, and any motions in limine. (2) For jury case, proposed jury charge questions, instructions, and definitions should be emailed in editable Word format to Court Coordinator. (3) For nonjury case, proposed findings of fact and conclusions of law should also be emailed in editable Word format to Court Coordinator.
<p>8 months after case filed</p>	<p>JOINDER OF PARTIES. No additional parties may be joined after this date except on motion for leave showing good cause. This paragraph does not alter the requirements of Texas Rule of Civil Procedure 38. NOTE: The party joining an additional party must serve a copy of this Order on the new party concurrently with the pleading joining the new party.</p>
<p>9 months after case filed</p>	<p>ARBITRATION. All motions to compel arbitration must be filed and heard by this date.</p>
<p>120 days before the Initial Trial Setting</p>	<p>AMENDED PLEADINGS. Parties shall file with the Court and serve all other parties with any amended pleadings asserting new causes of action or defenses by this date. No additional theories or allegations shall be pled after this date without prior leave of court based upon a showing of good cause or by written agreement of the parties pursuant to a Rule 11 agreement. Responses to such Amended Pleadings, including any and all affirmative defenses and/or special exceptions may be filed within two (2) weeks after this deadline. No additional affirmative defenses, inferential rebuttal defenses, or any other defensive theories shall be pled after this date without prior leave of court based upon a showing of good cause or by written Rule 11 agreement of the parties.</p>
<p>60 days before Initial Trial Setting</p>	<p>FACT DISCOVERY CLOSES. Fact witness depositions are to be completed by this date. Also, no written discovery may be propounded which requires an answer after this date. Any motion to compel responses to written discovery requests must be filed no later than fourteen (14) days after the close of fact discovery or such complaint is waived, except for the sanction of exclusion under Rule 193.6.</p>

120 days before Initial Trial Setting	EXPERT DESIGNATIONS OF PARTY SEEKING AFFIRMATIVE RELIEF. Parties seeking affirmative relief shall serve his/her/its designation of experts and provide written reports of such experts. Reports shall not be required of any non-retained experts unless the non-retained expert has opinions which have not reasonably been disclosed in his/her business records, in response to Request for Disclosure, or in deposition testimony.
90 days before Initial Trial Setting	EXPERT DESIGNATIONS OF PARTY OPPOSING AFFIRMATIVE RELIEF. Parties opposing affirmative relief shall serve his/her/its designation of experts and provide written reports of such experts. Reports shall not be required of any non-retained experts unless the non-retained expert has opinions which have not reasonably been disclosed in his/her business records, in response to Request for Disclosure, or in deposition testimony.
75 days before Initial Trial Setting	DESIGNATION OF REBUTTAL EXPERTS. Parties seeking affirmative relief shall serve his/her/its designation of rebuttal experts and provide written reports of such experts. Reports shall not be required of any non-retained experts unless the non-retained expert has opinions which have not reasonably been disclosed in his/her business records, in response to Request for Disclosure, or in deposition testimony.
60 days before Initial Trial Setting	EXPERT DISCOVERY CLOSES. The parties are required to complete oral depositions of expert witnesses by this date.
30 days before Initial Trial Setting	MEDIATION REQUIRED. The parties and their attorney, along with any third party having full and final settlement authority on the case, shall participate in and attend mediation of the case on or before this date unless mediation is objected to in writing on or before 14 days following entry of this order. Third parties with full and final settlement authority (not a party to the lawsuit) may attend by phone if agreed to by all parties in a Rule 11 Agreement. Unless otherwise ordered by the Court, the parties shall select a mediator by agreement. The agreed mediator in this case is: _____ Phone/Email: _____ <i>Tex. Gov't Code Ch. 36: If court-appointed, the mediator is approved for up to 8 hours at a fee of no more than \$3,000 to be paid by the parties. Any additional time/fees are by agreement of the parties and not subject to reporting by the court.</i>
30 days before Initial Trial Setting	MOTIONS FOR SUMMARY JUDGMENT. Without leave of court for good cause shown, all hearings for summary judgment motions must be filed and submitted (heard) at least thirty (30) days before trial.
30 days before Initial Trial Setting	MOTIONS TO EXCLUDE EXPERT TESTIMONY. Any objection or motion to exclude or limit expert testimony must be set for hearing and heard at least thirty (30) days before trial or it is waived.
10 days before Pre-Trial Conference	Parties shall exchange designations of deposition testimony to be offered in direct examination and a list of exhibits, including any demonstrative aids and affidavits, and shall exchange copies of any exhibits not previously produced in discovery. Over designation is strongly discouraged. Except for records to be offered by way of business record affidavits, each exhibit must be identified separately and not by category or group designation.

Signed and approved on: _____

George B. Flint, Presiding Judge

Plaintiff's Counsel or
Self-Represented Plaintiff

Other Counsel or Party

Defendant's Counsel or
Self-Represented Defendant