

CAUSE NO. 429-\_\_\_\_\_

\_\_\_\_\_  
v. \_\_\_\_\_  
§ IN THE DISTRICT COURT  
§  
§ 429<sup>TH</sup> JUDICIAL DISTRICT  
§  
§ COLLIN COUNTY, TEXAS

**BENCH TRIAL DISCOVERY CONTROL PLAN AND SCHEDULING ORDER**  
(Family)

The following was agreed by the parties and/or Ordered by the Court. Unless otherwise ordered, discovery in this case will be controlled by:

Rule 190.3 (Level 2)

Rule 190.4 (Level 3)

|                      |  |
|----------------------|--|
| Date:                | <b><u>BENCH TRIAL SETTING:</u></b> This matter is set for Trial Before the Court on this date. By selecting a Bench Trial, the parties waive their right to a Jury Trial.  |
| Time:<br>9:00 a.m.   | <b>Time required for Trial:</b> Each side needs _____ hours per side.<br><b>(No more than 2.5 hours per side unless good cause shown.)</b><br><br>All <b>Daubert/Dupont expert challenges</b> must be filed at least ten (10) days before hearing/trial.   |
| Mediation Required   | <b>MEDIATION REQUIRED.</b> The parties and their attorney shall participate in person and attend mediation of the case on or before this date. Unless otherwise ordered by the Court, <b>the parties shall select a mediator by agreement.</b><br>The agreed mediator in this case is: _____<br>Phone/Email: _____<br><b>Parties who fail to mediate are limited to 1 hour per side on bench trials.</b> |
| 30 days before trial | <b>DISPOSITIVE MOTIONS.</b> All dispositive motions (summary judgment, plea to the jurisdiction, plea in abatement, etc.) must be filed at least thirty (30) days before trial.  |

**IF THIS IS A LEVEL 3 CASE,** also complete (a) – (f) below:

|                 |   |
|-----------------|---|
| _____<br>(Date) | <b>a. AMENDED PLEADINGS.</b> Parties shall file with the Court and serve all other parties with any amended pleadings asserting new causes of action or defenses no later than this date.<br><b>Responses to such Amended Pleadings,</b> 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. |
| _____<br>(Date) | <b>b. DISCOVERY DEADLINE.</b> All discovery shall be completed by this date. Any <b>motion to compel responses</b> to discovery must be filed no later than 14 (fourteen) days after the discovery deadline or such complaint is waived, except for the sanction of exclusion under Rule 193.6.<br>Discovery requests must be propounded in adequate time to allow a timely response by the deadline.   |

|   |  |
|---|--|
| _____<br>(Number of depositions per side) | <b>c. LIMITS FOR DEPOSITIONS.</b> The parties agree that each side may take this many depositions. |
| _____<br>(Date)                           | <b>d. EXPERT DESIGNATION DEADLINE OF PARTIES SEEKING AFFIRMATIVE RELIEF.</b>                       |
| _____<br>(Date)                           | <b>e. EXPERT DESIGNATION DEADLINE OF PARTIES OPPOSING AFFIRMATIVE RELIEF.</b>                      |
|   | <b>f. OTHER TERMS:</b>   |

Signed and approved on: \_\_\_\_\_  
\_\_\_\_\_  
Judge Jill Willis

\_\_\_\_\_  
\_\_\_\_\_  
Other

\_\_\_\_\_  
Respondent

**In the event you have not been able to get opposing counsel/party to sign this Order or agree to a trial date or mediator, please explain that in writing and submit it to the Court along with this Order.**