

CAUSE NO. _____

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IN THE DISTRICT COURT
380TH JUDICIAL DISTRICT
COLLIN COUNTY, TEXAS

JURY TRIAL DISCOVERY CONTROL PLAN AND SCHEDULING ORDER
(FAMILY JURY TRIAL)

The following was agreed by the parties and/or ORDERED by the Court:

Check this box for a **Level 2 Discovery** Control Plan pursuant to the Texas Rules of Civil Procedure

-OR-

Check this box for a **Level 3 Discovery** Control Plan and complete the below items:

1. The deadlines for filing **amended pleadings** is _____
2. The deadline for filing **special exceptions** to pleadings is _____
3. All **discovery** shall be completed by _____
4. Limits for **depositions**: _____
5. Limits on **interrogatories**, and **requests for production**: _____
6. **Testifying expert disclosures**: the party seeking affirmative relief on an issue shall provide testifying expert disclosures by (date certain in compliance with Rule 195) _____ each other party shall provide testifying expert disclosures by _____
7. **Required pretrial disclosures** must be exchanged and filed with the Court by (date certain in compliance with Rule 194.4): _____
8. Other terms: _____

Discovery requests must be propounded in adequate time to allow a timely response by the deadline. Any **motion to compel responses** and/or all objections or complaints about initial disclosures must be filed no later than 14 days after the discovery deadline or such complaint is waived, except for the sanction of exclusion under Rule 193.6.

Any expert not properly disclosed will not be permitted to testify. A testifying expert disclosure must include all information required by the rules.

All **dispositive motions** (summary judgment, plea to jurisdiction, plea in abatement, etc.) must be filed, set for hearing, and heard at least 30 days before trial or they are waived.

This case is set for a **Formal Pre-Trial Conference** on _____.

1. Parties are required to meet and confer prior to this date to determine agreed exhibits, deposition designations, and motions in limine and to discuss proposed jury charges.
2. All **pre-trial motions** (motions in limine, etc.) shall be filed at least 10 days before the formal pre-trial conference and will be heard at the formal pre-trial conference, with the exception of motions in limine, which shall be heard on the day of jury selection.

3. Unless good cause is shown, all **expert challenges** (Daubert/Dupont) shall be heard no later than the formal pre-trial, and written objections must be on file at least **10 days** before hearing.
4. Each party **must** produce the following **at** the pre-trial conference:
 - Proposed **jury charges** (instructions, definitions, and questions) in hard copy and emailed in **editable** Word format to the court coordinator.
 - Completed **witness lists** and **exhibit lists**.
 - Designation of any **deposition testimony** to be offered.
 - **All exhibits** produced to court reporter and pre-marked for identification (for the purpose of stipulating to the authenticity and admissibility of exhibits). The Court prefers descriptive marking, for example “H-1” for husband’s exhibits or “M-1” for mother’s exhibits, as appropriate.
 - A **JOINT trial summary for any cause of action outside the Family Code**, including each element of each cause of action and defense and, if appropriate, a precise legal standard for measure of damages. This summary is intended to be an aid for the Court and should be limited to one page.

- **Mediation** is required in **ALL** cases. The agreed mediator in this case is _____, mediator phone/email _____, and mediation is scheduled for _____. **Mediation must be completed prior to the Formal Pre-Trial Conference.**

(Parties who fail to mediate are limited to 1 hour per side at trial. 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.)

- **Time Required for Trial.** Each side needs _____ hours per side. *(no more than 4 hours per side without leave of court)*
- This matter is set for a **JURY TRIAL** on _____ at 9:00 a.m.
- Please arrive and set up BEFORE 9:00 a.m.

Signed and approved on _____

JUDGE BENJAMIN SMITH

Petitioner

Respondent

Other

If you cannot get an opposing counsel or party to sign this order or agree to a trial date, please file a letter describing your efforts and submit your proposed scheduling order to the court.