CAUSE NO. _____

_____	§	IN THE DISTRICT COURT
	§	
v.	§	494TH JUDICIAL DISTRICT
	§	
_____	§	COLLIN COUNTY, TEXAS

DISCOVERY CONTROL PLAN AND SCHEDULING ORDER
(Level 1 or 2 - 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:

Unless otherwise ordered, discovery in this case will be controlled by:
( ) Rule 190.2 (**Level 1**) ( ) Rule 190.3 (**Level 2**)

Date: Time: **9:00 a.m.**	**TRIAL SETTING**: _____Bench _____Jury The trial of this cause is set for this date ("**Initial Trial Setting**"). **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**. **By selecting a Bench Trial, the parties waive their right to a Jury Trial.** **Time required for Trial**: Each side needs _____ hours per side. (No more than 6 hours per side on jury trials and 2.5 hours per side on bench trials unless good cause shown.)
Date for pre-trial: Time: _____ **a.m.** Date for exchange: Date for confer:	**FORMAL PRE-TRIAL CONFERENCE (Jury Trials only.)** A pre-trial conference shall be held on this date. Parties are required to comply with Rule 194.4 (pretrial disclosures must be made at least 30 days before trial). Parties are further required to exchange (not later than 14 days before trial) and confer (before the date of pretrial) regarding all materials stated in Rule 166(e)-(m), including specifically, proposed jury charges, witness lists (including any agreements on necessity for/issuance of subpoenas), exhibits lists (including conference on exhibits to be pre-admitted and exchange of demonstrative aids), and also designation of deposition testimony, and motions in limine. 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. Each party is directed to produce the following **at** the pre-trial conference: 1) For a jury case, proposed **jury charges** (instructions, definitions, and questions) in hard copy and emailed in editable Word format to the Court Coordinator on the day of trial. 2) Completed **witness lists** and **exhibit lists**. 3) **All exhibits** must be produced to the court reporter **pre-marked** for identification (for the purpose of stipulating to the authenticity and admissibility of exhibits). 4) Designation of **deposition testimony** to be offered in direct examination.
No later than 30 days before the end of the discovery period Date:	**AMENDED PLEADINGS.** Parties shall file with the Court and serve all other parties with any amended pleadings asserting new causes of action/claims for affirmative relief or defenses by this date. No additional theories or allegations shall be pleaded 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

	pleaded after this date without prior leave of court based upon a showing of good cause or by written Rule 11 agreement of the parties.
No later than 5 months after commencement of the case Date:	**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.**
Date: [insert applicable Level 1 or 2 date certain]	**FACT DISCOVERY CLOSES**. All discovery must be conducted during the discovery period. Fact witness depositions are to be completed by this date. Discovery requests must be propounded in adequate time to allow a timely response by the deadline. *Level 1 (Rule 190.2(b)(1)): No later than 180 days after first initial disclosures are due* *Level 2 (Rule 190.3(b)(1)): No later than, the earlier of 30 days before Initial Trial Setting, or nine months after first initial disclosures are due*
No later than 10 days after discovery period Date:	**MOTIONS TO COMPEL DISCOVERY**. Any motion to compel responses to discovery must be filed no later than 10 (ten) days after the close of the discovery period or such complaint is waived, except for the sanction of exclusion under Rule 193.6. ***Per Rule 191.2, all discovery motions or requests for hearing relating to discovery must contain a certificate of conference***
90 days before Initial Trial Setting Date:	**MOTIONS FOR SUMMARY JUDGMENT.** All motions for summary judgment motions must be filed, set for hearing, and heard at least ninety (90) days before trial or they are waived, absent leave of court. ***This deadline cannot be moved without leave of court***
30 days before Initial Trial Setting Date:	**MEDIATION REQUIRED. Mediation is required in every case except on leave of Court.** 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. 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: _____ Mediation is currently scheduled for:_____ **Plaintiff shall provide Defendant with an initial settlement demand at least ten days before mediation. Defendant shall respond to the demand no less than 3 days before mediation. Parties who fail to mediate are limited to 2 hours per side on jury trials and 1 hour per side on bench trials.**
30 days before Initial Trial Setting Date:	**MOTIONS TO EXCLUDE EXPERT TESTIMONY.** Any objection or motion to exclude or limit expert testimony must be filed at least thirty (30) days before trial and heard at or before the pre-trial conference or it is waived. ***This deadline cannot be moved without leave of court***

Signed and approved on:_____ _____
Judge Kathryn L. Pruitt

_____ _____
Plaintiff Other Counsel or Party

_____
Defendant

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.