

CAUSE NO. _____

_____	§	IN THE DISTRICT COURT
_____	§	
_____	§	431 st JUDICIAL DISTRICT
_____	§	
_____	§	DENTON COUNTY, TEXAS

SCHEDULING ORDER AND DISCOVERY CONTROL PLAN

The following deadlines shall apply to this case *unless* modified by the court or as expressly permitted herein by Rule 11 agreement.

1. _____ **COURT / JURY (STRIKE ONE) TRIAL IS SET FOR THIS DATE.**
 If any party wishes to exercise their right to a jury trial, that party must file a written jury request and pay the jury fee prior to the entry of this Order. Failure to do so, or approval of a setting for trial before the court herein will be deemed a waiver of the right to a jury trial. Continuance of this setting will not be granted *unless* properly requested, presented to the Court in a timely manner, and for good cause shown.

 Expected length of trial _____ days.
2. _____ **DOCKET CALL HEARING at 8:30 a.m.**
 Lead counsel and pro se parties shall appear in person for this hearing.
3. TBC **PRE-TRIAL HEARING (JURY TRIALS ONLY)**
 Lead counsel and pro se parties shall appear in person to discuss all aspects of trial on this date. The Court will not hear motions on the day of trial, so any pretrial motion must be timely filed and set for hearing on or prior to this date. *This date must be at least 3 days prior to the trial date.*
4. _____ **MEDIATION.**
 The parties, attorneys, and any person with settlement authority shall attend mediation by this date with DCAP or a private mediator agreed to by the parties (if the parties cannot agree, they must request that the Court appoint a qualified mediator). *This date must be at least 10 days prior to the trial date.*
5. _____ **DISPOSITIVE MOTIONS.**
 Motions for Summary Judgment or other dispositive motions must be *filed and heard* prior to this date. The attorney or party filing the motion is obligated to obtain a timely setting through the court coordinator pursuant to the local rules. *This date must be at least 30 days prior to the trial date.*
6. _____ **EXPERT WITNESS CHALLENGES.**
 Any *Daubert* or *Robinson* challenges to experts or expert testimony must be *filed and heard* prior to this date. The attorney or party filing the challenge is obligated to obtain a timely setting through the court coordinator pursuant to the local rules. *This date must be at least 30 days prior to the trial date.* Affidavits, deposition excerpts and all evidence for the prima facie challenge to an expert or expert testimony must be filed with the challenge. The challenge to the expert must specify every aspect of the expert or the opinion or the basis for the opinion that is being challenged; failure to do so is a waiver of that challenge.

7. **P:** _____ **EXPERT WITNESS DESIGNATION.**
D: _____ A list including each expert's name, address, the subject matter of the expert's testimony, and the opinions to be offered must be filed by this date unless modified by Rule 11 agreement. Experts not listed in compliance with this paragraph will not be permitted to testify absent good cause shown.
8. **P:** _____ **AMENDING PLEADINGS.**
D: _____ All amendments and supplements to pleadings must be filed by this date unless modified by Rule 11 agreement. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.
9. _____ **DISCOVERY DEADLINE AND LIMITATIONS.**
All discovery must be completed by this date. Discovery must be served promptly enough to permit timely response by the other party (per TRCP) no later than this deadline. Incomplete discovery will not constitute good cause to delay the trial date or the other deadlines established in this Order.
- a. Each party may serve 25 or [] _____ interrogatories on any other party.
 - b. Each party is allowed 6 or [] _____ hours of oral deposition to cross-examine opposing parties, experts designated by those parties, and persons subject to those parties' control.
 - c. The parties may modify these limitations by Rule 11 agreement.

If this is filed as a Level 3 case and/or the attorneys and/or pro se parties agree to any other deadlines, discovery limitations, or provisions consistent with this Order and intended to assist in the disposition of the case without undue expense or burden to the parties, they may attach and incorporate such agreements into this Order, subject to the Court's approval.

If the case is not reached for trial on the scheduled date, a new trial date will be set; however, these deadlines *will not* be extended *unless* approved by the Court through the entry of a new scheduling order. The attorneys or parties signing below are responsible for providing a copy of this Order to all parties joined and/or attorneys that enter appearance after this date.

SO ORDERED on _____.

JUDGE PRESIDING

AGREED AND/OR ACKNOWLEDGED:

Attorney for Plaintiff / Petitioner

Plaintiff / Petitioner

Attorney for Defendant / Respondent

Defendant / Respondent

Attorney for _____

Party _____