

Cause No. _____

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IN DISTRICT COURT
442ND JUDICIAL DISTRICT
DENTON COUNTY, TEXAS

CIVIL SCHEDULING ORDER AND DISCOVERY CONTROL PLAN

This order applies to parties appearing pro se as well as those represented by counsel.

The following deadlines shall apply to this case UNLESS MODIFIED BY THE COURT, except as expressly permitted herein by Rule 11 agreement. It is the policy of this Court not to grant a continuance of any trial setting when such date has been agreed to by the parties or attorneys, except in an emergency or for other good cause shown.

1. _____ COURT / JURY (STRIKE ONE) TRIAL IS SET FOR THIS DATE.

_____ .M This case will be ready for trial on the date indicated (the “Initial Trial Setting”). Reset or continuance of the Initial Trial Setting will not alter any deadlines established in this Order or established by the Texas Rules of Civil Procedure, unless specifically provided by Order after Motion showing good cause. It is the policy of this Court not to grant a continuance of any trial setting when such date has been agreed to by the parties or attorneys, except in an emergency or for other good cause shown. FAILURE TO APPEAR WILL RESULT IN DISMISSAL FOR WANT OF PROSECUTION AND/OR ENTRY OF A DEFAULT ORDER.

The expected length of trial is _____ days/hours (strike one).

2. _____ PRETRIAL HEARING (JURY TRIALS ONLY).

_____ .M Lead counsel and pro se parties shall appear in person to discuss all aspects of trial on this date. Each party shall be prepared to consider such other matters as may aid in the disposition of the case, including any matter raised pursuant to Rule 166. All Pre-Trial motions (Motions in Limine, etc.) shall be filed 10 days before the formal pretrial conference and will be heard at the formal pretrial conference. **The Court will not hear motions on the day of trial without obtaining prior leave of the Court.** FAILURE TO APPEAR WILL RESULT IN DISMISSAL FOR WANT OF PROSECUTION AND/OR ENTRY OF A DEFAULT ORDER.

Each party is directed to produce the following **no later than 3 p.m. on the day before the Pre-Trial Conference:**

- a) A concise trial summary as follows: State each separate cause of action and/or defense; each element of each cause of action and/or defense; if appropriate, a precise legal standard for measure of damages. Please be as brief and concise as possible. This summary is intended to be an aid for the Judge and staff and should be limited to one page if possible. No formal headings or styles are required. Reference to case law and statute may be included. The trial summary must be

submitted to the Court Administrator at ali.silva@dentoncounty.com (and served upon all other parties).

b) A completed Witness List. The completed Witness List located on the Court's website at www.dentoncounty.com/442 under Forms must be submitted to the Court Reporter at Niki.Hightower@dentoncounty.com (and served upon all other parties).

c) The proposed jury instructions and issues. The jury charge must be submitted in Word format to the Court Administrator at ali.silva@dentoncounty.com (and served upon all other parties) in exactly the same form as it would be presented to the jury. However, please cite your authority or source at the end of each question or instruction. Please do not include signature blocks for the Judge to grant, deny or modify any requested definition, instruction or question. The proposed charge should follow the current edition of the TEXAS RULES OF CIVIL PROCEDURE and the applicable TEXAS PATTERN JURY CHARGES.

d) The proposed Order on Motion in Limine or other proposed orders on pre-trial motions. The proposed Order on Motion in Limine, etc. must be submitted in Word format in exactly the same form as located on the Court's Website at www.dentoncounty.com/442 under Forms to the Court Administrator at ali.silva@dentoncounty.com (and served upon all parties).

e) All documentary evidence and exhibits. The Exhibit List located on the Court's website at www.dentoncounty.com/442 under Forms must be submitted to the Court Reporter at Niki.Hightower@dentoncounty.com (and served upon all other parties). All pre-marked for identification exhibits must be submitted to the Court Reporter on a USB drive (and served upon all other parties). Please be prepared to consider stipulations as to the authenticity and admissibility of exhibits.

3. _____ **MEDIATION.**

Mediation is required. The parties, attorneys and any person with settlement authority shall attend mediation by this date with DCAP or _____ (if the parties do not agree, the Court will appoint a qualified Denton County mediator). This date must be **at least 30 days prior to the trial date.**

4. _____ **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.**

5. _____ **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 60 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.

6. 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.

7. 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.

8. _____ **DISCOVERY DEADLINE AND LIMITATIONS.**

All discovery must be completed by this date unless modified by Rule 11 agreement. Parties must serve discovery in sufficient time to allow for a timely response to be served by the other party under the TEXAS RULES OF CIVIL PROCEDURE no later than this deadline. Incomplete discovery will not delay the trial date or the other deadlines established in this Order.

Each party may serve 25 or [] interrogatories on any other party.

Each party is allowed 6 or 50 or [] hours of oral deposition to cross-examine opposing parties, experts designated by those parties, and persons subject to those parties' control.

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 trial date, a new trial date will be set by the Court. In that event, **these deadlines will NOT be extended without approval by the Court and 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 _____, 20_____.

JUDGE PRESIDING

AGREED AND/OR ACKNOWLEDGED:

Attorney for Plaintiff / Petitioner
Email: _____

Plaintiff / Petitioner
Email (if *Pro Se*): _____

Attorney for Defendant / Respondent
Email: _____

Defendant / Respondent
Email (if *Pro Se*): _____

Attorney for _____
Email: _____

Party: _____
Email (if *Pro Se*): _____