

CAUSE NO. _____

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IN THE DISTRICT COURT
366TH JUDICIAL DISTRICT
COLLIN COUNTY, TEXAS

JURY TRIAL DISCOVERY CONTROL PLAN AND SCHEDULING ORDER

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 deadline 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. **Designations of experts**: the party seeking affirmative relief on an issue shall provide a designation of its testifying experts by _____; the party not seeking affirmative relief on an issue shall provide a designation of its testifying experts by _____
 7. Other terms: _____

- All **dispositive motions** (summary judgment, plea to jurisdiction, plea in abatement, etc.) must be filed and heard at least 30 days before trial.
- **Discovery requests** must be propounded in adequate time to allow a timely response by the deadline.
- Any expert not properly designated will not be permitted to testify. A designation must include all information required by the rules.
- This case is set for a **Formal Pre-Trial Conference** on _____.
- 1. 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. **The Court will not hear pre-trial motions on the day of jury selection without prior leave of court.**
- 2. Unless good cause is shown, all **Daubert/Dupont expert challenges** shall be heard no later than the formal pre-trial, and written objections must be on file at least 10 days before hearing.
- 3. Each party is **must** produce the following **at** the pre-trial conference:

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.

- Proposed **jury charges** (instructions, definitions, and questions) emailed in **editable** Word format to the court coordinator.
- Completed **witness lists** and **exhibit lists**.
- **All exhibits** present and pre-marked for identification (for the purpose of stipulating to the authenticity and admissibility of exhibits). The Court prefers descriptive marking, for example “P-1” for plaintiff’s exhibits or “D-1” for defendant’s exhibits, “H-1” for husband’s exhibits or “M-1” for mother’s exhibits, as appropriate.
- A **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.

ALL PARTIES ARE REQUIRED TO APPEAR FOR PRE-TRIAL UNLESS EXCUSED BY THE COURT PRIOR TO THE HEARING.

- **Mediation** is not required as long as one party files a written objection with the court stating the reasons for requesting excusal. Mediation is/was on _____ with _____. The desire to mediate is not a valid reason for continuance of a trial setting.

(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. Any additional time/fees are by agreement of the parties and not subject to reporting by the court.)

- **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 9:00AM. The Court will bring the jury in at the appointed start time for trial and after breaks without regard to the presence of the attorneys and parties.

Signed and approved on _____

JUDGE TOM NOWAK

Petitioner

Other

Respondent

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