

CAUSE NO. 219-\_\_\_\_\_

\_\_\_\_\_  
v. \_\_\_\_\_  
§ IN THE DISTRICT COURT  
§  
§ 219<sup>TH</sup> JUDICIAL DISTRICT  
§  
§ COLLIN COUNTY, TEXAS  
\_\_\_\_\_

**BENCH TRIAL DISCOVERY CONTROL PLAN AND SCHEDULING ORDER**  
(Family)

In accordance with Rule 166 and Rule 190 of the Texas Rules of Civil Procedure, the Court makes the following order to control discovery and the schedule of this cause:

Rule 190.3 (Level 2)

Rule 190.4 (Level 3)

Date:	<p><b>BENCH TRIAL SETTING:</b> This matter is set for Trial Before the Court (“Initial Trial Setting”) on this date at: <input type="checkbox"/> 9:30 a.m. or <input type="checkbox"/> 1:30 p.m.</p> <p><b>Time for Trial:</b> For a <b>Level 2 Case</b>, each side will have <b>1.5 hours per side</b>. For a <b>Level 3 Case</b>, each side will have <b>3 hours per side</b>. If additional time is requested, the parties must seek leave of Court at least 60 days before the Initial Trial Setting.</p> <p><b>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.</b></p>
30 days from the date of this Order	<p><b>DESIGNATION OF AGREED MEDIATOR.</b> Parties shall file with the Court their designation of an Agreed Mediator.</p>
45 days before Initial Trial Setting	<p><b>AMENDED PLEADINGS.</b> Parties shall file with the Court and serve all other parties with any amended pleadings asserting new causes of action or defenses no later than this date.</p> <p><b>Responses to such Amended Pleadings</b>, 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 pled after this date without prior leave of court based upon a showing of good cause or by written Rule 11 agreement of the parties.</p>
30 days before trial	<p><b>MEDIATION REQUIRED.</b> Parties shall participate in person (and with counsel if represented) and attend mediation.</p>
30 days before trial	<p><b>DISCOVERY DEADLINE. All discovery shall be completed by this date.</b> Discovery requests must be propounded in adequate time to allow a timely response by the deadline.</p>
30 days before trial	<p><b>DISPOSITIVE MOTIONS.</b> All dispositive motions (summary judgment, etc.) must be filed, set for hearing, and heard at least thirty (30) days before trial.</p>

90 days before Initial Trial Setting	<b>EXPERT DESIGNATION DEADLINE OF PARTIES SEEKING AFFIRMATIVE RELIEF.</b> If designating an expert, a party seeking affirmative relief shall serve a designation of experts and provide written reports of such experts. Reports shall not be required of any non-retained experts unless the non-retained expert has opinions which have not reasonably been disclosed in business records, in response to a Request for Disclosure, or in deposition testimony.
60 days before Initial Trial Setting	<b>EXPERT DESIGNATION DEADLINE OF PARTIES OPPOSING AFFIRMATIVE RELIEF.</b> If designating an expert, a party opposing affirmative relief shall serve a designation of experts and provide written reports of such experts. Reports shall not be required of any non-retained experts unless the non-retained expert has opinions which have not reasonably been disclosed in business records, in response to a Request for Disclosure, or in deposition testimony.
30 days before trial	<b>MOTIONS TO EXLUDE EXPERT TESTIMONY.</b> Any objection or motion to exclude or limit expert testimony must be filed, set for hearing, and heard at least thirty (30) days before trial or it is waived.
	<b>REQUEST FOR INTERVIEW OF CHILD IN CHAMBERS.</b> A child interview per 153.009 is set on or after the day of hearing or trial, after the child is released from school. Please arrange for the child to be brought to the courthouse by an adult. Contact the court coordinator before your hearing or trial date to ensure the child interview is properly scheduled on the Court's calendar. <i>(Unless the interview is scheduled on this order or is docketed with the court <u>before</u> the day of the hearing or trial, it is waived.)</i>

Signed and Approved on: \_\_\_\_\_  
Judge Jennifer Edgeworth