

CAUSE NO.

V.

§ IN THE DISTRICT COURT
§ 219TH JUDICIAL DISTRICT
§ COLLIN COUNTY, TEXAS

DISCOVERY CONTROL PLAN AND SCHEDULING ORDER

(Level 1 or 2- Civil)

In accordance with Rules 166, 169, 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 and Rule 169 (**Level 1**) () Rule 190.3 (**Level 2**)

Date:	<u>TRIAL SETTING:</u> _____ Bench _____ Jury
Time:	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 Agreement of the parties or Court order after motion showing good cause.
Date:	<u>TRIAL ANNOUNCEMENT (Court will set).</u> Parties must announce ready for trial. Failure to appear for the Trial Announcement will result in dismissal for want of prosecution of any and all claims brought by that party.
Time:	Prior to the Trial Announcement, each party must exchange and confer on the following: proposed jury charges, witness lists, exhibit lists (including conference on exhibits to be pre-admitted and exchange of demonstrative aids), and designation of the deposition testimony to be offered in direct examination. Except for records to be offered by way of business record affidavits, each exhibit must be identified separately and not by category or group designation. (1) For a jury case, a proposed jury charge should be emailed in editable Word format to Court Coordinator. (2) For a nonjury case, proposed findings of fact and conclusions of law should be emailed in editable Word format to Court Coordinator. <u>Pretrial Conference:</u> Pending pretrial motions that require a hearing should be set separately for a pretrial conference with the court coordinator.
30 days from the date of this Order	<u>DESIGNATION OF AGREED MEDIATOR.</u> Parties shall file with the Court their designation of an Agreed Mediator.
File no later than 30 days before the end of the discovery period	<u>AMENDED PLEADINGS.</u> 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 thirty (30) days before the end of the discovery period. <u>Responses to such Amended Pleadings,</u> 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.

3 months after case filed	ARBITRATION. All motions to compel arbitration must be filed and heard by this date.
4 months after case filed	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.
File no later than 14 days after discovery period	MOTIONS TO COMPEL DISCOVERY. Any motion to compel responses to discovery must be filed no later than 14 (fourteen) days after the close of the discovery period or such complaint is waived, except for the sanction of exclusion under Rule 193.6.
30 days before Initial Trial Setting	MEDIATION REQUIRED. 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 (not a party to the lawsuit) may attend by phone if agreed to by all parties in a Rule 11 Agreement.
30 days before Initial Trial Setting	MOTIONS FOR SUMMARY JUDGMENT. Without leave of court for good cause shown, all motions for summary judgment motions must be filed, set for hearing and heard at least thirty (30) days before trial.
30 days before Initial Trial Setting	MOTIONS TO EXCLUDE EXPERT TESTIMONY. 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.

Signed and approved on: _____

Judge Jennifer Edgeworth