

CAUSE NO. \_\_\_\_\_

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DISTRICT COURT

296<sup>TH</sup> 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 1 Discovery** Control Plan pursuant to the Texas Rules of Civil Procedure
- Check this box for a **Level 2 Discovery** Control Plan pursuant to the Texas Rules of Civil Procedure
- Check this box for a **Level 3 Discovery** Control Plan AND complete items 1-7 below:
  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 includes the subject matter and opinions to be offered by the expert.
- This case is set for a **Formal Pre-Trial Conference** on \_\_\_\_\_ at 1:30 p.m.
  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:
    - Proposed **jury charges** (instructions, definitions, and questions) emailed in **editable** Word format to the court coordinator.
    - Completed **witness lists** and **exhibit lists**.

- **All exhibits pre-marked** for identification (for the purpose of stipulating to the authenticity and admissibility of exhibits). The Court prefers descriptive marking, for example "H-1" for husband's exhibits or "M-1" for mother's exhibits, as appropriate.
- **A concise trial summary:** State each separate cause of action including each element of each cause of action and/or 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.

▪ 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 166a. 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 pre-trial motions on the day of jury selection, without obtaining prior leave of Court.**

▪ **Mediation** is required in **ALL** cases. Mediation is scheduled for \_\_\_\_\_ with \_\_\_\_\_. Parties may agree to a Mediator or the Court may appoint one if the parties cannot agree. The parties shall bear the costs equally, unless otherwise ordered. Mediation shall be completed before the formal pre-trial date.

▪ **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.

\_\_\_\_\_  
Plaintiff/Petitioner

\_\_\_\_\_  
Defendant/Responde

***If you cannot get an opposing counsel or party to sign this order or agree to a trial date, please explain your efforts in writing and submit to the Court along with your proposed scheduling order.***

\_\_\_\_\_  
Other

Signed and approved on \_\_\_\_\_

\_\_\_\_\_  
Judge John R. Roach