

CAUSE NO. _____

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IN THE DISTRICT COURT
380TH JUDICIAL DISTRICT
COLLIN COUNTY, TEXAS

BENCH TRIAL DISCOVERY CONTROL PLAN AND SCHEDULING ORDER
(FAMILY BENCH TRIAL)

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 deadlines 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. **Testifying expert disclosures**: the party seeking affirmative relief on an issue shall provide testifying expert disclosures by (date certain in compliance with Rule 195) _____ each other party shall provide testifying expert disclosures by _____
7. **Required pretrial disclosures** must be exchanged and filed with the Court by (date certain in compliance with Rule 194.4): _____
8. Other terms: _____

▪ **Discovery requests** must be propounded in adequate time to allow a timely response by the discovery deadline. Any **motion to compel responses** and/or all objections or complaints about initial disclosures must be filed no later than 14 days after the discovery deadline or such complaint is waived, except for the sanction of exclusion under Rule 193.6.

▪ All **dispositive motions** (summary judgment, plea to jurisdiction, plea in abatement, etc.) must be filed, set for hearing, and heard at least 30 days before trial or they are waived.

▪ Any expert not properly disclosed will not be permitted to testify. A testifying expert disclosure must include all information required by the rules. All **expert challenges** (Daubert/Dupont) must be filed, set for hearing, and heard at least 30 days before trial or they are waived.

*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*

- **Mediation** is required in **ALL** cases. The agreed mediator in this case is _____, mediator phone/email _____, and mediation is scheduled for _____. **Mediation must be completed at least 45 days prior to trial.**
(*Parties who fail to mediate are limited to 1 hour per side at trial. 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.*)
- **Interview of Child in Chambers.** If requested, the child interview per 153.009 shall be scheduled by the Court at the conclusion of the trial.
- **Sworn Inventory:** For Divorce cases, each party shall serve the other party within 30 days of this Order with a sworn inventory setting forth a description and value of all property (real or personal; community, separate, and mixed) owned or claimed by the parties and a list of all debts (stating the creditor and amount) owed by the parties
- **A Proposed Property Division** labeled as Exhibit 0 shall be provided to the Court at the beginning of trial which lists all assets and liabilities, whether community, separate, or mixed character.
- **Bench Trial.** This matter is set for a **Trial Before the Court** on _____ at 9:00 a.m. By selecting a Bench Trial, the Parties waive their right to a Jury Trial. (*Trials set at 9:00 a.m. will not finish before lunch. You may be reached in the afternoon. Please plan accordingly.*)
- **Time Required for Trial** – _____ hours per side. (*No more than 2.5 hours per side without leave of court.*)
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

Signed and approved on _____

JUDGE BENJAMIN SMITH

Petitioner

Respondent

Other

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