

CAUSE NO. _____

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IN THE DISTRICT COURT
470TH 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 deadlines for filing **amended pleadings & special exceptions** are_____

2. All **discovery** shall be completed by_____

3. Limits for **depositions**:_____

4. Limits on **interrogatories and requests for production**:_____

5. **Testifying expert disclosures**: the party seeking affirmative relief on an issue shall provide testifying expert disclosures by:_____

Each other party shall provide testifying expert disclosures by:_____

6. **Pretrial disclosures** (for causes of action not governed by the Texas Family Code) must be exchanged and filed by:_____

7. Other terms:_____

- All objections or complaints about **initial disclosures** (for causes of action not governed by the Texas Family Code) must be filed at least 30 days before trial or they are waived.
- Discovery requests must be propounded in adequate time to allow a timely response by the deadline. All **Motions to Compel** must be filed and heard at least 31 days before trial.
- Any expert not properly disclosed will not be permitted to testify. A testifying expert disclosure must include all information required by the rules.
- All **dispositive motions** (summary judgment, plea to jurisdiction, plea in abatement, etc.) must be filed in such a time that all responses are due and the motion is heard no later than 31 days before trial.
- This case is set for a **Formal Pre-Trial Conference** on _____.
 1. All pretrial disclosures (for cases filed between 1/1/2021 & 8/31/2023 or for cases with causes of action not governed by the Texas Family Code) must have been timely completed and filed before the pretrial conference. Only file an identification of your exhibits. **Do not file your trial exhibits**.

2. 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.**
3. Unless good cause is shown, all **expert challenges** (Daubert/Dupont) shall be heard no later than the formal pre-trial, and written objections must be on file at least 10 days before hearing.
4. Each party **must** produce the following at the pre-trial conference:
 - o Proposed **jury charges** (instructions, definitions, and questions) emailed in **editable** Word format to the court coordinator.
 - o Completed **witness lists** and **exhibit lists**.
 - o **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 "H-1" for husband's exhibits or "M-1" for mother's exhibits, as appropriate.
 - o 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.

- **Mediation** is required in **ALL** cases. Mediation is/was on _____ with _____.
(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 up to 8 hours at a fee of no more than \$3,000 to be paid equally by the parties. Trial will proceed even if mediation has not occurred.)
- **Time Required for Trial.** Each side needs _____ hours per side for issues which the jury will decide and _____ hours per side for issues tried to the bench (*no more than 4 hours total per side without leave of court*)
- This matter is set for a **JURY TRIAL** on _____ at 9:00 a.m.

By signing below, each party/attorney acknowledges that they have read the preceding and taken specific note of all deadlines and orders of the Court.

Petitioner

Respondent

Other

Signed and approved on _____.

JUDGE BROOK FULKS

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