

CAUSE NO. _____

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IN THE DISTRICT COURT

470TH JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

BENCH 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. Other terms: _____

- ✓ For all deadlines below, the Court reserves the right to set hearings after the deadline stated should the Court not have availability prior to the stated deadline.
- ✓ **Amended Pleadings** – 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. **Responses to such Amended Pleadings**, 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.
- ✓ 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. All **Motions to Deem Admissions Admitted** must be filed and heard at least 15 days before trial.
- ✓ 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.

- ✓ All **expert challenges** (Daubert/Dupont) must be filed at least 10 days before hearing and heard at least 30 days before trial or they are waived.
- ✓ **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.
- ✓ Subject to the Texas Rules of Evidence and Texas Rules of Civil Procedure, 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.
- ✓ **Mediation** is required in **ALL** cases at least **45 days prior to the trial date**. 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.)*
- ✓ **Interview of Child in Chambers.** Any motion for child interview under Tex. Fam. Code 153.009 must be filed and heard at least 30 days before trial or the request is waived.
- ✓ **Bench Trial.** This matter is set for a **Trial Before the Court** on _____ at 9:00 a.m. *(Trials set at 9:00 a.m. will not finish before lunch. You may be reached in the afternoon. Please plan accordingly.)* **JURY WAIVER** - By selecting a Bench Trial, the Parties waive their right to a Jury Trial. Counsel by signing this discovery control plan represents he/she has authorization and assent from client to waiver.
 - This case will be ready for trial on the date indicated (the “Initial Trial Setting”). Reset or continuance of the Initial Trial Setting will not alter any deadlines established in this Order or established by the Texas Rules of Civil Procedure, unless specifically provided by Order after Motion showing good cause. 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.
- ✓ **Time Required for Trial** – _____ hours per side. *(No more than 2.25 hours per side without leave of court.)*

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