

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

\_\_\_\_\_  
§ IN THE DISTRICT COURT  
§  
V § 369TH JUDICIAL DISTRICT  
§  
\_\_\_\_\_  
§ LEON COUNTY, TEXAS

DISCOVERY CONTROL PLAN AND SCHEDULING ORDER  
(LEVEL 3 – CIVIL)

In accordance with Rule 166 and Rule 190 of the Texas Rules of Civil Procedure, the Court makes the following order to control discovery and the schedule of this cause:

Date:	<b>TRIAL SETTING:</b> _____ 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 of the parties or Court Order after motion showing good cause.
Date:	<b>TRIAL ANNOUNCEMENT:</b> (Court will set). Parties must announce ready for trial. Failure to appear for the Trial Announcement may result in dismissal for want of prosecution of any and all claims brought by that party.
Time:	Prior to 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 records affidavit, 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 the Court Coordinator and opposing counsel. 2) For a nonjury case, proposed findings of fact and conclusions of law should be emailed in editable Word format to the Court Coordinator and opposing counsel. <b>PRETRIAL CONFERENCE:</b> 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	<b>DESIGNATION OF AGREED MEDIATOR.</b> Parties shall file with the Cour their designation of an Agreed Mediator.

210 days before the Initial Trial Setting	<b>ARBITRATION.</b> All motions to compel arbitration must be filed and heard by this date.
180 days before the Initial Trial Setting	<b>JOINDER OF PARTIES.</b> 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 the Rules of Civil Procedure 38. <b>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.</b>
150 days before the Initial Trial Setting	<b>AMENDED PLEADINGS.</b> Parties shall file with the Court and serve all other parties with any amended pleadings asserting new causes of action or defenses by this date. No additional theories or allegations shall be pled after this date without prior leave of court based upon a showing of good cause or by written agreement of the parties pursuant to a Rule 11 agreement.
136 days before Initial Trial Setting	<b>RESPONSES TO AMENDED PLEADINGS,</b> including any and all affirmative defenses and/or special exceptions may be filed within two (2) weeks after the deadline for Amended Pleadings. No additional affirmative defenses, inferential rebuttal defenses, or any other defensive theories shall be pled after this response date without prior leave of court based upon a showing of good cause or by written Rule 11 agreement of the parties.
120 days before Initial Trial Setting	<b>EXPERT DESIGNATIONS OF PARTY SEEKING AFFIRMATIVE RELIEF.</b> If designating an expert, parties seeking affirmative relief shall serve a designation of experts and provide written reports of such experts. Reports shall not be required of any non-retained experts unless the non-retained expert has opinions which have not reasonably been disclosed in business records, in reasons to a Request for Disclosure or in deposition testimony.
110 days before Initial Trial Setting	<b>FACT DISCOVERY CLOSES.</b> Fact witness depositions are to be completed by this date. Also, no written discovery may be propounded, which requires an answer after this date. Any motion to compel responses to written discovery requests must be filed no later than fourteen (14) days after the close of fact discovery or such complaint is waived, except for the sanction of exclusion under Rule 193.6.
90 days before Initial Trial Setting	<b>EXPERT DESIGNATIONS OF PARTY OPPOSING AFFIRMATIVE RELIEF.</b> If designating an expert, parties opposing affirmative relief shall serve a designation of experts and provide written reports of such experts. Reports shall not be required of any non-retained experts unless the non-retained expert has opinions which have not reasonably been disclosed in business records, in response to a Request for Disclosure, or in deposition testimony.

75 days before Initial Trial Setting	<b>DESIGNATION OF REBUTTAL EXPERTS.</b> If designating a rebuttal expert, parties seeking affirmative relief shall serve a designation of rebuttal experts and provide written reports of such experts. Reports shall not be required of any non-retained experts unless the non-retained expert has opinions which have not reasonably been disclosed in business records, in response to a Request for Disclosure, or in deposition testimony.
45 days before Initial Trial Setting	<b>EXPERT DISCOVERY CLOSES.</b> The parties are required to complete oral depositions of expert witnesses by this date.
30 days before Initial Trial Setting	<b>MOTIONS FOR SUMMARY JUDGMENT.</b> Without leave or court for good cause shown, all hearings 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	<b>MOTIONS TO EXCLUDE EXPERT TESTIMONY.</b> Any objections 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 \_\_\_\_\_

\_\_\_\_\_  
 Presiding Judge  
 369<sup>th</sup> Judicial District  
 Leon County, Texas