

V.

DISCOVERY CONTROL PLAN AND SCHEDULING ORDER

The following was **agreed and stipulated** by the parties **AND/OR** Ordered by the Court:

- a. This is a **Discovery Control Plan for Level 1 2 3** or Family Code (Circle One)
Parts a(1) through a(6) to be completed for Level 3 cases only.
 - 1. **Amended Pleadings.** The deadline for filing amended pleadings is _____.
 - 2. **Special Exceptions.** The deadline for filing exceptions to pleadings is _____.
 - 3. **Discovery.** All discovery shall be completed by _____.
Discovery requests shall be served or filed, as appropriate, in sufficient time to allow for a timely response to such discovery requests to be served or filed by the discovery deadline.
 - 4. Time Limits for **Depositions:** _____.
 - 5. Limitations on **Interrogatories and Requests for Production** _____.
 - 6. **Deadline for Designations of Experts.** Plaintiff/Petitioner shall file a designation of its testifying experts by _____.
Defendant/Respondent shall file a designation of its testifying experts by _____.
- b. All “Daubert/Dupont” expert challenges must be on file at least 10 days before hearing.
- c. **Dispositive Motions** (Summary Judgments, Plea to Jurisdiction, Plea in Abatement, etc.). All dispositive motions shall be filed and heard by _____.
- d. **Mediation.** **Mediation is required in all cases and must be completed 5 weeks before trial.**
Mediator: _____ (agreed/appointed)
- e. **Jury Trials Only - Pre-Trial Conference.**
Each party is directed to produce the following two weeks prior to trial:
 - 1) A concise trial summary as follows: State each separate cause of action and/or defense; each element of each cause of action and/or defense; if appropriate, a precise legal standard for measure of damages. Please be as brief and concise as possible. This summary is intended to be an aid for the Judge and staff, and should be limited to one page if possible.
 - 2) Proposed jury charges.
 - 3) All documentary evidence and exhibits (for the purpose of stipulating to the authenticity and admissibility of exhibits).
 - 4) 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 pre-trial conference and will be heard at the formal pre-trial conference.
- f. **Time Required for Trial.** Each side needs _____ hours per side.
- g. **Jury Trial.** This matter is set for **Jury Trial** on _____ at _____ m.
Jury Announcement on _____ at _____ m. **Pretrial** on _____ at _____ m
- h. **Bench Trial:** This matter is set for a **Trial Before the Court** on _____ at _____ m.
If you do not appear at this setting a default judgment may be taken against you.

Mediation is required in all cases and must be completed 5 weeks prior to the trial date. Failure to mediate prior to the trial date is NOT an automatic ground for continuance. (Parties who fail to mediate prior to the trial date are limited to 30 minutes per side at trial.)

Motions for Continuance are to be filed and ruled on prior to the trial date absent an extenuating circumstance. Otherwise, you are expected to appear at the trial setting.

Signed and approved on _____.

JUDGE SHELTON T.W. GIBBS, IV

Plaintiff/Petitioner

Attorney

Defendant/Respondent

Attorney