

CAUSE NO:

Plaintiff § IN THE DISTRICT COURT OF
v § GRAYSON COUNTY, TEXAS
Defendant § 397th JUDICIAL DISTRICT COURT

UNIFORM SCHEDULING ORDER (LEVEL 3)

In accordance with Rules 166, 190 and 192 of the Texas Rules of Civil Procedure, the Court makes the following order to control discovery and the schedule of this cause, unless the parties enter into an Agreed Scheduling Order approved by the Court.

1. This case will be ready and is set for Jury/Non Jury trial on _____ at 9:00 a.m. (the "Initial Trial Setting").
 - a. 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 otherwise provided by order. If not reached as set, the case may be carried to the next week, or as otherwise ordered.

2. Pretrial matters will be complete by the following dates:
 - a. Amended pleadings asserting new causes of action or defenses
120 days before the Initial Trial Setting
 - b. Discovery closes
45 days before the Initial Trial Setting
 - c. Party seeking affirmative relief to designate experts & provide reports
105 days before the Initial Trial Setting
 - d. Party opposing affirmative relief to designate experts & provide reports
75 days before the Initial Trial Setting
 - e. Designation of rebuttal experts & provide reports
60 days before the Initial Trial Setting
 - g. Other amended pleadings
45 days before the Initial Trial Setting

3. Amended pleadings responsive to timely filed pleadings under this schedule may be filed after the deadline for amended pleadings if filed within two (2) weeks after the pleading to which they respond.

4. Except by agreement of the parties, leave of court, or where expressly authorized by the Texas Rules of Civil Procedure, no party may obtain discovery of information subject to disclosure under Rule 194 by any other form of discovery.
5. Any motion to compel responses to discovery (other than relating to factual matters arising after the end of fact discovery) must be filed no later than seven (7) days after the close of fact discovery or such complaint is waived, except for the sanction of exclusion under Rule 193.6
6. Each side may have 50 hours of depositions and each party may have 50 interrogatories, subject to the conditions of Rule 190.3(b)(2) and (3).
7. Any objection or motion to exclude or limit expert testimony due to qualification of the expert or reliability of the opinions must be filed no later than forty (40) days prior to the Initial Trial Setting. **This deadline cannot be moved without leave of Court.**
 - a. Except on leave of court, any hearings over any such motion or objection must be conducted no later than the Pretrial Conference.
8. No additional parties may be joined more than eight (8) months after the commencement of this case except on motion for leave showing good cause.
 - a. This paragraph does not otherwise alter the requirements of Rule 38. The party joining an additional party shall serve a copy of this Order on the new party concurrently with the pleading joining that party.
9. The parties shall mediate this case no later than thirty (30) days before the Initial Trial Setting, unless otherwise provided by court order.
 - a. Unless otherwise ordered by the Court, the parties shall select a mediator by agreement and contact the mediator to arrange the mediation; if the parties are unable to agree on a mediator, they shall advise the Court within ninety (30) days of the date of this order; the Court will then appoint a mediator.
10. Except on leave of court, dispositive motions must be heard no later than thirty (30) days before trial. Any motion that does not allow for proper notice of for a response to be filed shall not be considered by the Court. **This deadline cannot be moved by the parties without approval of the Court.**
11. Twenty-one (21) days before the Initial Trial Setting, the parties shall:
 - a. Exchange designations of deposition testimony to be offered in direct examination;
 - b. Exchange a list of exhibits, including any demonstrative aids and affidavits; and
 - c. Exchange copies of any exhibits not previously produced in discovery.
 - i. Except for records to be offered by way of business record affidavits, each exhibit must be identified separately and not by category or group designation.
 - d. On or before seventeen (17) days before the Initial Trial Setting, the attorneys in charge shall meet in person to confer on stipulations regarding the materials to be

submitted to the Court under this paragraph and attempt to maximize agreement on such matters.

- e. On or before fourteen (14) days before the Initial Trial Setting, exchange in writing their objections to the opposing party's proposed exhibits, including objections under Rule 193.7, and deposition testimony.
- f. By 4 p.m. on the Tuesday preceding the Pretrial Conference, the parties shall file with the Court:
 - i. the materials stated in Rule 166(d)-(m);
 - ii. an estimate of the length of trial;
 - iii. designation of deposition testimony to be offered in direct examination;
 - iv. list of exhibits expected to be offered at trial; and
 - v. any motions in limine.

Failure to file such materials may result in dismissal for want of prosecution or other appropriate sanction.

- 12. The Pretrial Conference on this case shall be held at 1:30 p.m. on the Thursday that precedes the Initial Trial setting by eleven (11) days, unless otherwise ordered by the Court. All pretrial matters will be taken up at the Pretrial Conference.
- 13. The parties may alter any of the deadlines in this Scheduling Order by agreement, except for deadlines involving any objection or challenge to an expert or any dispositive motion. **Regardless of any agreement between the parties on any of these deadlines, the parties will be expected to complete all work so that all pretrial matters may be addressed at the Pretrial Conference.**
- 14. Plaintiff/Plaintiff's counsel shall serve a copy of this order on any currently named defendants answering after the date of this order.

SIGNED _____, 20__.

Brian K. Gary
397th District Judge