

CAUSE NO. _____

_____	§	IN THE 397TH DISTRICT COURT
_____	§	
_____	§	
_____	§	OF
_____	§	
_____	§	
_____	§	GRAYSON COUNTY, TEXAS

**SCHEDULING ORDER AND DISCOVERY CONTROL PLAN
IN FAMILY LAW PROCEEDING**

The following deadlines shall apply to this case unless modified by the court or as expressly permitted herein by Rule 11 agreement.

1. _____ **COURT / JURY (STRIKE ONE) TRIAL IS SET FOR THIS DATE.** If any party wishes to exercise their right to a jury trial, that party must file a written jury request and pay the jury fee prior to the entry of this Order. Failure to do so, or approval of a setting for trial before the court herein, will be deemed a waiver of the right to a jury trial. Continuances will not be granted unless presented to the Court in a timely manner, and for good cause.

2. _____ **PRETRIAL HEARING (JURY TRIALS ONLY).** Lead counsel and *pro se* parties shall appear in person to discuss all aspects of trial on this date. The Court will not hear motions on the day of trial, so any pretrial motion must be timely filed and set for hearing on or prior to this date. This date must be at least 10 days prior to the trial date.

3. _____ **MEDIATION.** The parties and attorneys, shall attend mediation by this date with a private mediator agreed to by the parties (if the parties cannot agree, the Court will appoint a qualified mediator). This date must be at least 30 days prior to the trial date.

4. _____ **AMENDING PLEADINGS.** All amendments and supplements to pleadings must be filed by this date unless modified by Rule 11 agreement. This order does not preclude prompt filing of responsive pleadings.

Petitioner Deadline: _____
 Respondent Deadline: _____

5. _____ **DISCOVERY DEADLINE AND LIMITATIONS.** All discovery must be completed by this date. Discovery must be served promptly enough to permit timely response by the other party (per TRCP) no later than this deadline.

Incomplete discovery will not constitute good cause to delay the trial date or the other deadlines established in this Order.

- a. Each party may serve 25 interrogatories on any other party.
- b. Each party is allowed up to 6 hours of oral deposition to cross-examine opposing parties, experts designated by those parties, and persons subject to those parties' control.
- c. The parties may modify these limitations by Rule 11 agreement.

6. _____ SWORN INVENTORY AND PROPOSED PROPERTY DIVISION.

In all cases in which the character, value or division of property or debts is in issue, each party shall file, not less than 30 days prior to the pretrial hearing in jury trials, and at least 30 days before the trial date in bench trials, a sworn inventory and appraisal of all of the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties.

After each party's sworn inventory and appraisal has been filed, the parties shall file a composite inventory and appraisal in a form substantially similar to the one available from the Coordinator of the 397th District Court.

The Petitioner shall initiate the composite inventory and forward it to the Respondent for completion not less than fourteen (14) days prior to the pretrial hearing in jury trials, or the final hearing in bench trials.

The Respondent shall complete **and file the composite inventory with the Court** and serve a copy of the same on the Petitioner not less than seven (7) days prior to the pretrial hearing in jury trials, or the final hearing in bench trials.

If a party or the parties fail to prepare and/or file the initial inventory or the composite inventory as required, the Court may make orders regarding the failure as are just, including but not limited to, sanctions pursuant to Rule 215(2)(b) of the Texas Rules of Civil Procedure, as amended.\

7. _____ PROPOSED PARENTING PLAN. In contested conservatorship cases, each party shall serve the other party with a proposed parenting plan. Each party shall present their proposed parenting plan to the Judge prior to trial.

8. _____ PARENT EDUCATION COURSE. In contested conservatorship cases, each party shall attend an approved parent education and family stabilization course and file proof of attendance within 30 days from the date of this order in accordance with Amended Standing Order 2007-1.

9. _____ **SOCIAL STUDY.** In cases where custody of a child under the age of 14 is at issue, the parties shall be required to have a Social Study completed prior to the mediation deadline. If any party objects to a Social Study, it may file a motion asking to relieve the parties of that requirement. If, the Court finds a Social Study is not needed, the Court may excuse this requirement.
10. _____ **EXPERT WITNESS CHALLENGES.** Any challenges to experts or expert testimony must be timely and properly filed and heard no later than the pretrial hearing in jury trials, and at least 10 days before the trial in bench trials. The attorney or party filing the challenge is obligated to obtain a timely setting through the court coordinator. Affidavits, deposition excerpts and all evidence for the prima facie challenge to an expert or expert testimony must be filed with the challenge. The challenge to the expert must specify every aspect of the expert or the opinion or the basis for the opinion that is being challenged; failure to do so is a waiver of that challenge.
11. _____ **EXPERT WITNESS DESIGNATION.** A list including each expert's name, address, the subject matter of the expert's testimony, and the opinions to be offered must be filed by this date unless modified by Rule 11 agreement. Designation dates shall be spaced 30 days apart unless otherwise agreed by the parties. Experts not listed in compliance with this paragraph will not be permitted to testify absent good cause shown.

Petitioner Deadline : _____
 Respondent Deadline: _____
 Rebuttal Deadline: _____

If the case is not reached for trial on the scheduled date, a new trial date will be set; however, these deadlines will not be extended unless approved by the Court through the entry of a new scheduling order. The attorneys or parties signing below are responsible for providing a copy of this Order to all parties joined and/or attorneys that enter appearance after this date.

SO ORDERED on _____.

JUDGE PRESIDING

AGREED AND/OR ACKNOWLEDGED:

Attorney for Petitioner

Petitioner

Attorney for Respondent

Respondent