

CAUSE NO: _____

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|-----------|---|-------------------------------------|
| Plaintiff | § | IN THE DISTRICT COURT |
| | § | |
| v | § | 397 TH JUDICIAL DISTRICT |
| | § | |
| Defendant | § | GRAYSON COUNTY TEXAS |

UNIFORM SCHEDULING ORDER (LEVEL 1 OR 2)

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

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. Unless otherwise ordered, discovery in this case will be controlled by Rule 190.2 (Level 1)/Rule 190.3 (Level 2) of the Texas Rules of Civil Procedure.
3. 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 thirty (30) days before the Initial Trial Setting, or such objection is waived. **This deadline cannot be moved without leave of Court.**
 - a. Except on leave of court, any hearings over any such motion must be conducted at no later than the Pretrial Conference.
4. Any motion to compel responses to discovery (other than relating to factual matters arising after the end of the discovery period) must be filed no later than seven (7) days after the close of the discovery period or such complaint is waived, except for the sanction of exclusion under Rule 193.6.
5. Any amended pleadings asserting new causes of action or affirmative defenses must be filed no later than thirty (30) days before the end of the discovery period, and any other amended pleadings must be filed no later than seven (7) days after the end of the discovery period.
 - a. 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.
6. Except on leave of court, dispositive motions must be heard no later than the Pretrial Conference. Any motion that does not allow for proper notice of the hearing and 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.**

7. No additional parties may be joined more than five (5) 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.
8. 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 (90) days of the date of this order; the Court will then appoint a mediator.
9. Twenty-one (21) days before the Initial Trial Setting, the parties shall exchange a list of exhibits, including any demonstrative aids and affidavits, and shall exchange copies of any exhibits not previously produced in discovery.
 - a. 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. Rule 193.7 applies to this designation.
 - b. On or before fourteen (14) days before the Initial Trial Setting, the attorneys in charge for all parties shall confer on stipulations regarding the materials to be submitted to the Court under this paragraph and attempt to maximize agreement on such matters.
10. By 4 p.m. on the Tuesday before the Pretrial Conference, the parties shall file with the Court:
 - a. the materials stated in Rule 166(e)-(1),
 - b. an estimate of the length of trial,
 - c. designation of deposition testimony to be offered in direct examination, and any motions in limine.

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

11. The Pretrial Conference on this case shall be held at 1:30 p.m. on the Thursday, eleven (11) days preceding the Initial Trial Setting, unless otherwise ordered by the Court. All pretrial matters will be taken up at the pretrial conference.

12. The parties may by agreement alter any of the deadlines in this Scheduling Order, except for deadlines involving any objection or challenge to an expert or any motion filed under Rule 166a. **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.**
13. Plaintiff/Plaintiff's counsel shall serve a copy of this Order on any currently named defendant(s) answering after this date.

SIGNED _____, 20__.

BRIAN GARY, 397TH District Judge